

The Board of Clark County Commissioners met in regular session pursuant to adjournment in accordance with Section 121.22 O.R.C. (Sunshine Law) in the Commission Chambers, 3130 East Main Street, Springfield, Ohio.

The following members and guests were present: Commissioner Melanie F. Wilt; Commissioner Richard L. Lohnes; Commissioner Lowell R. McGlothlin; Jenny Hutchinson, County Administrator; Michelle R. Noble, Assistant County Administrator/HR Director; Megan Burr, Commission Clerk; Beau Thompson, Assistant County Prosecutor; Michael Cooper, Public Information Officer; Sara David, Human Resources Department; Sheriff Deb Burchett, Major Andy Reynolds, Major Allen Cox, Sheriff's Department; Charlie Patterson, Health District; Ken Johnson, Emergency Management Agency; Virginia Martycz, Department of Job & Family Services; George Degenhart, German Township; Sydney Dawes, Springfield News Sun; John Federer, County Auditor; Reverend Linda Stampley; Chuck Ingle; Jerry Black; Brooke Herring & Joel Boehmer, The Ohio Masonic Home; Melissa Santiago, Dinsmore & Shohl.

Commissioner Wilt called the meeting to order and introductions were made.

Health Department COVID Update:

Charlie Patterson, Health Commissioner, gave an update on COVID. The case load continued to rise over the last three to four weeks. There was a low in July. There were 105 cases last week. This week there are 81 cases so far. Through wastewater monitoring they expect a 50% increase. Commissioner Lohnes felt the numbers were confusing to get a read on what was going on. Mr. Patterson recommended using the CDC website interactive map. That is the source he is using. The community is experiencing a high transmission rate. The vaccinations are increasing across the community. There are not universal masking mandates in the schools. The state came out with quarantine mandates for the schools. The Health District is mandated masks for all employees, vaccinated or not.

Mosquito testing has been occurring. They have tested positive for West Nile virus in all areas of the county. Misting will be occurring in some areas. He asked all residents to do their part and make sure water is not sitting around on their property. Mr. Patterson mentioned the black legged tick is in Clark County. There are three confirmed lime disease cases in Clark County.

The Health District is performing two community clean ups with the help of the Sheriff's Office and the Solid Waste District. He thanked their partners.

Commissioner Wilt asked what the timeline is for the FDA to fully approve the vaccines. She said that would change some policies and guidelines for employees. Mr. Patterson hoped by the first week of September. The FDA full approval is looking at stability of shelf life and other things that can't be rushed. He said it is a very safe vaccine. There have been some issues but they have been looked at clearly. MRNA is the safest. Commissioner Wilt asked where people can get vaccines. Mr. Patterson referred to the ODH website which has a listing of locations. Pharmacies, the Health District and some doctors are giving them.

Commissioner Lohnes asked for recent death numbers and hospitalizations. Mr. Patterson didn't have them with him. From the beginning of vaccinations, they had 88 breakthrough cases. 12 have been hospitalized. Two of the 88 have died. The CDC has an interactive map with a lot of data available.

Commissioner McGlothlin asked how he felt about boosters. Mr. Patterson said it is something that will be seen. You will see waning immunity. The flu vaccine is about a 60% immunity rate which is why they push for everyone to get one. Mr. Patterson appreciated the Board's support.

Audience Comments:

Mr. Deganhart noted it was an exciting day for the community. He thanked the Board for all the work that has been done with the former Upper Valley Mall. That represents a huge amount of work by the Commissioners and staff. It will greatly benefit the community. He looked forward to working with the new owners.

Sheriff Burchett stated she has the same amount of deputies on the road as in 1980. Currently, calls have increased by 3,500 from last year. They are very serious calls not something minor. In the last two months 40 guns were taken off the street just through traffic stops. Commissioner Wilt noted these are not people with CCW permit. She asked for more officers on the streets. She felt she had been a good steward of money. They have 20 different contracts in place for deputies. Interfaith Hospitality Network (IHN) requested another deputy. Sheriff Burchett spoke about some of the instances they respond to. She asked for one deputy dedicated to serving papers. It is difficult to deliver papers and respond to calls. The downtown area is requiring more security. Major Cox noted the protests cost a significant sum of money. He referenced back to some of the events at the fair. He applauded all the agencies involved including the fair board. The fair events are a mirror of what is happening in the county.

Commissioner Lohnes said the hotel stay for homeless people was supposed to end in July. Sheriff Burchett replied it is still going on and they are hiring another deputy.

She has deputies willing to go to the streets. She suggested moving some of the corrections officers to the streets and hiring more corrections officers. They have 29 right corrections officers.

Commissioner Lohnes asked how many deputies, vehicles and corrections officers were needed. Major Reynolds explained there are three cars on the day shift and 4 at night. They will need at least 5 cars on the road. That would cost \$500-700,000 right now. Commissioner Lohnes pointed out there is a of law enforcement in the county with the number of contracts that are in place now. Sheriff Burchett explained they are dedicated to those areas. There are 6,000 warrants that currently. Leffel Lane is in the City of Springfield but the Motel 6 is in the county's jurisdiction.

Commissioner McGlothin asked where the weapons were being retrieved. The Sheriff replied it was mainly on Leffel Lane.

Commissioner Wilt pointed out it wasn't the people with CCW permits that were creating problems. It was the people that shouldn't have them. Sheriff Burchett stressed the offenders are getting younger and younger.

Commissioner Lohnes asked about housing those arrested. Sheriff Burchett said the judicial system isn't ready to handle it.

Commissioner Wilt commended her for doing a great job. She mentioned the ARPA funds might help recover other funds. Sheriff Burchett said it was very hard to talk about it but it needed done.

Agenda Review:

Commissioner Lohnes had no questions.

Commissioner McGlothin had no questions.

Commissioner Wilt noted the public hearing at 10 a.m. for sales tax.

Resolution 2021-0533: She discussed the possibility of additional funds for the Coroner with staff yesterday.

Commissioner Updates:

Commissioner Lohnes said ARPAT is working to get some numbers about recovering medical expenses from employees due to the COVID illness. Since the county is self-insured it will be a lot of money. Paid administrative leave for COVID can be recouped. He spoke about the 9-1-1 center and equipment.

Commissioner Wilt asked to discuss COVID guidelines for employees. Ms. Hutchinson presented a policy resolution for unvaccinated employees exposed to someone with COVID. Currently, most departments offer some sort of work from home option. There is some variation. If the employee is scheduled to be in the office they need to be or they need to take leave if they are under quarantine. Vaccinated employees can still come to work if they have been exposed. It is an unfair perk for the unvaccinated employees to work from home. She asked if they wanted a mask policy. The Board asked about a spouse of an employee. Ms. Hutchinson said they can still come to work with a mask. There are other employers mandating the vaccine for their employees. Commissioner Wilt pointed out the City of Dayton. Commissioner Wilt said until the FDA approves the vaccine it is a little different. Once the FDA approves it fully, it becomes more like a traditional vaccine. She didn't want employees abusing the reason of exposure to get out of work. Ms. Hutchinson said masks are up to the discretion of the employees and department heads.

Mr. Patterson explained the Health District will be issue a quarantine order that would not allow that person to come to work, regardless of the policy.

Commissioner Lohnes asked if the costs for health care payments COVID related included the Health District. Ms. Noble responded yes.

Mr. Federer stated he hasn't seen the policy, but asked how employees would have to use their time. Ms. Hutchinson said they would need to use their leave. If they are unable to cover the quarantine with their leave balances they will have to request leave without pay. If the Health District quarantine's a person and they request leave without pay it would have to be granted.

County Administrator Updates:

Ms. Hutchinson said typically the Friday before Labor Day is the employee event where they celebrate employees' milestones. Normally departments close early that day and the Commissioners grill food for everyone. She planned to hold the event still unless something changes with COVID. Commissioner Wilt felt it could be shifted to a drive thru event if need be.

There will need to be a serious discussion about the displaced population and the challenges faced. There will be difficult decisions needing made by the Board. The situation is not getting any better and they need a plan. Commissioner Wilt asked how much has been spent so far. Ms. Hutchinson responded it was more than \$250,000. There was at least \$300,000 spent in the hotels since COVID. There is a lot of money in the community available.

Strategic Plan Updates:

Ms. Hutchinson said there is a new campaign and slogan for the county. Ms. Noble worked with Commissioner Wilt and Mr. Cooper to move some things along. The slogan to recruit employees is: Your County. Your Life. Your Impact. They have streamlined postings, added more color and made them more fun to look at. Mr. Cooper developed a QR code as well. They are working on a video and business cards for job opportunity information.

Commissioner Lohnes gave kudos to Mr. Thompson, Ms. Hutchinson and the Sheriff for joining the Stepping Up call Monday. Sheriff Burchett liked the idea but didn't know where the money was going to come from.

The Board reviewed the calendar.

The Board recessed.

Call to Order, Commission

Resolution 2021-0523

Following the pledge, Commissioner Lohnes moved to approve the minutes of the last meeting and dispense with reading of same. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

The motion carried.

0540 language will be tweaked: add in to adopt in the first sentence; no substantial change.

Commissioner Lohnes moved to approve the agenda in its entirety, excluding Resolutions 2021-0358, 0539, and 0540 (the add-on). Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

The motion carried.

Commissioner McGlothlin moved to approve Resolution 2021-0540, Unvaccinated Employee Policy. Commissioner Wilt seconded the motion. Commissioner Wilt asked for comment prior to roll being called. Commissioner Lohnes didn't think that was something the Board should adopt. He wanted to wait on further guidance. Commissioner McGlothlin asked Mr. Thompson if it was ready or needed reworked. Mr. Thompson explained it is implied in the policy that if they can't work from home and the Health District orders them to quarantine, an employee has to use their leave or request unpaid leave. He did not have an issue with the policy as written. It is ready to be adopted. Commissioner Wilt wanted to table it but a motion already was made. Mrs. Burr called roll. The roll being called for its passage resulted as follows:

Commissioner Lohnes, No; Commissioner McGlothlin, No; Commissioner Wilt, No

Commissioner Wilt opened the hearing for the bond, Resolution 2021-0538, at 10:06 a.m.

Brooke Herring & Joel Boehmer, The Ohio Masonic Home and Melissa Santiago, Dinsmore & Shohl were present.

Ms. Sanitago asked the Commission to authorize the issuance of the revenue improvement bond in the amount not to exceed \$38 million. It will be used to build new facilities. These are conduit bonds, which mean the county is not at all responsible for the debt. All debt service is available solely for the Masonic home. They are not general obligations of the county.

Ms. Herring said the project is to renovate a 50 bed unit and build a new 50 bed skilled nursing unit in Medina. They will also add 56 independent living units. Commissioner Wilt asked for the history of why these go through Clark County. Historically, The Ohio Masonic Home is the parent company that resides in Clark County. All of their bonds have all flowed through the county. Ms. Santiago explained it was part of the process to get the rate. Commissioner Wilt said as they do the bonds on the projects she hoped they would consider making investments in Clark County.

Ms. Herring understood and said they would probably see them again for improvements to the Clark County campus.

Commissioner McGlothlin said they take great care of their people and the facilities.

Audience comments: None.

Commissioner Wilt closed the hearing at 10:11 a.m.

Commissioner Lohnes moved to approve Resolution 2021-0538. Commissioner McGlothlin seconded the motion. The roll being called for its passage resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

The Board held the sales tax hearing.

Resolution 2021-0524
B&GC file

**Authorize Contract with
Waibel Energy Systems**

Commissioner Lohnes moved, per the request of the Buildings & Grounds Director, to authorize a contract with:

Organization Name: Waibel Energy Systems
Organization Address: 815 Falls Creek Drive, Vandalia, Ohio 45377
In the amount of: \$36,161.00
Funding Source(s): Permanent Improvement Fund
Purpose: HVAC install in Records Building at Springview
Effective Dates: August 11, 2021

Further move to authorize the County Administrator to execute the contract and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0525
ENG file

**Authorize Contract with
Martin + Wood Appraisal Group**

Commissioner Lohnes moved, per the request of the County Engineer, to authorize a contract with:

Organization Name: Martin + Wood Appraisal Group, Ltd.
Organization Address: 485 Metro Place, Suite 475
Dublin, Ohio 43017
In the amount of: \$21,050.00
Funding Source(s): 80% Federal Highway (FHWA) and 20% Local Funds (MVGT)
Purpose: Appraisal Review – CLA CR 315-1.28 Enon Xenia Road
Effective Dates: August 11, 2021, through August, 2022

Further move to authorize the County Administrator to execute the contract and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0526
ENG file

**Authorize Contract with
O.R. Colan Associates**

Commissioner Lohnes moved, per the request of the County Engineer, to authorize a contract with:

Organization Name: O.R. Colan Associates
Organization Address: 255 Taylor Station Road, Suite 100
 Columbus, Ohio 43213
In the amount of: \$128,600.00
Funding Source(s): 80% Federal Highway (FHWA) and 20% Local Funds (MVGT)
Purpose: Right of Way Services – CLA CR 315-1.28 Enon Xenia Road
Effective Dates: August 11, 2021, through August, 2022

Further move to authorize the County Administrator to execute the contract and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0527
ENG file

**Authorize Change Order #1 for
2021 Roadway Resurfacing Contract**

Commissioner Lohnes moved, per the request of the County Engineer, to authorize change order #1 with:

Organization Name: The Shelly Company
Organization Address: 1700 Fostoria Avenue, Suite 200, Findlay, Ohio 45840
Original Contract: \$ 1,042,929.73
Previous Changes: \$ 0
This Change: \$ 174,731.73
New Contract Total: \$ 1,217,661.46
Funding Source(s): Local MVGT
Reason for Change: Add Short Spangler Rd and increase quantities for Moorefield Township and South Charleston

Further move to authorize the County Administrator to execute the change order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0528
SHRC file

**Authorize Contract with
Charter Communications Operating, LLC**

Commissioner Lohnes moved, per the request of the Sheriff's Office, to authorize a contract with:

Organization Name: Charter Communications Operating, LLC
Organization Address: 12405 Powerscourt Drive, St. Louis, Missouri 63131
In the amount of: \$0.00
Funding Source(s): N/A
Purpose: Permit access to property located at 523 E Home Rd for the installation of fiber service.
Effective Dates: August 11, 2021 until construction is completion

Further move to authorize the County Administrator to execute the contract and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0529
SHRC file

**Authorize Contract with
AT&T Corporation**

Commissioner Lohnes moved, per the request of the Sheriff's Office, to authorize a contract with:

Organization Name: AT&T Corporation
Organization Address: 1 AT&T Way, Bedminster, New Jersey 07921-0752
In the amount of: \$12,600.00 (\$525.00 monthly for two years)
Funding Source(s): 911 Dispatching
Purpose: Establish and transfer Sheriff's Office and Springfield Police non-emergency phone lines to the new 911 Center.
Effective Dates: October 25, 2021 – October 25, 2023

Further move to authorize the County Administrator to execute the contract and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0530
ENGB/C file

**Award Bid to Jutte Excavating Inc. for
Lower Valley Pike Bridge No. 1225 Rehabilitation**

Commissioner Lohnes moved, per the request of County Engineer, to award the bid to Jutte Excavating Inc. for their low bid of \$379,202.00 for the Lower Valley Pike Bridge No. 1225 Rehabilitation Project.

Engineer's Estimate \$432,038.84

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0531
TRSB/C file

Approve Designation of Financial Institutions as Public Depositories

Commissioner Lohnes moved, per the request of the County Treasurer, to adopt the following resolution:

Application of financial institutions to be public depositories for the public moneys of Clark County, Ohio, were received by the Board of County Commissioners on June 24, 2021 and the Board finds that the notice of applications was duly published as required by law.

The sealed applications were in compliance with the bid notice specifications for said public moneys to be deposited with them as follows and the following deposits be awarded:

Financial Institution
Fifth Third Bank
Park National Bank

The above financial institutions shall become depositories for the public moneys of said County upon duly executing and delivering to the Clark County Treasurer the sureties as tendered, and the acceptance of same by the Board of County Commissioners. The County Treasurer will determine the exact amount to be deposited at any individual institution.

Further move to continue Park National Bank's various banking services pertaining to the County's day to day banking activities from September 1, 2021 through August 31, 2025 and authorize the County Administrator to execute all contract documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0532
EMAG file

**Authorize Grant Submission
for EMPG**

Commissioner Lohnes moved, per the request of the Emergency Management Agency Director, to authorize grant submission of the following:

Grant: EMPG
Grantor: Ohio State EMA
Funding Amount: \$98,286.50
Purpose: To provide funding for EMA personnel costs.
Grant Effective Dates: October 1, 2021 through September 30, 2022

Further move to authorize the County Administrator to execute the grant submission and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0533
FINA file

Authorize Amended Certificate #8 and Appropriate Funds

Commissioner Lohnes moved, upon the recommendation of the County Administrator, to authorize Amended Certificate #8 and appropriate funds.

<u>Fund</u>	<u>Department</u>	<u>Account</u>	<u>Amount</u>
GENERAL FUND (0001-260)	CORONER	OPERATING EXP	\$150,000.00
EMA 911 GOV ASST FUND (2202)	EMA	OPERATING EXP	-\$238,659.33
WORKERS COMP PREM FUND (9160)	PERSONNEL	OPERATING EXP	\$6,300.00

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0534
FINF file

Authorize Intra-Fund Transfer(s)

Commissioner Lohnes moved, upon the recommendation of the County Administrator, to authorize the following Intra-Fund Transfer(s):

From	To				
Department	Expense Acct.	Amount	Department	Expense Acct.	Amount
Fund: CD/Cares Act					
Comm. Dev.	Operating Exp.	\$ 5,000.00	Comm. Dev.	Pers. & Fringes	\$5,000.00
Reason: To cover personnel costs.					

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0535
FINS file

Approve Supplemental Appropriation(s)

Commissioner Lohnes moved, upon the recommendation of the County Administrator, to authorize the following supplemental appropriation(s) from unappropriated funds:

Fund:	Department:	Account:	Amount:
Law Enforcement Trust (1228)	Sheriff's Office	Other Expenses	\$70,000.00

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0536
JFSL file

**Accept Lease Renewal Agreement #1 Between
Board of County Commissioners of Clark County and
Clark County Department of Job and Family Services**

Commissioner Lohnes moved, upon the recommendation of the County Administrator, to accept the following lease agreement:

Lessee:	Clark County Department of Job and Family Services
Lease Amount:	As specified in Attachment A of Lease
Purpose:	To lease Lagonda Avenue Office Complex utilized by Clark County Department of Job and Family Services.
Lease Effective Dates:	April 1, 2016 to March 31, 2021 (original date), April 1, 2021 to March 31, 2026 (current), with one additional automatic renewal to March 31, 2031, unless notice issued by either party.

Further move to authorize the County Administrator to execute the lease agreement and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0537
TRAV file

Approve Travel/Expense Allowance

Commissioner Lohnes moved, per request of the following Department Director(s) or Elected Official(s) to approve the following travel allowances.

Dept.	Name	Purpose	Place	Date	Cost
JFS	B. Adkins	Human Trafficking Conf.	Virtual	9/22-24/21	\$200.00
Engineer	R. Hankison	Land Descriptions	Webinar	7/28/2021	\$289.00

Workshop

Further move reimbursements shall comply with all requirements of the Travel Policy as adopted in the Personnel Manual.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0538
FINB file

A RESOLUTION DETERMINING THE NECESSITY OF AND AUTHORIZING THE ISSUANCE AND SALE OF ADJUSTABLE RATE DEMAND HEALTH CARE FACILITIES REVENUE IMPROVEMENT BONDS, SERIES 2021 (THE OHIO MASONIC HOME OBLIGATED GROUP PROJECT) OF THE COUNTY OF CLARK, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$38,000,000; AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS OF LEASE AND SUBLEASES IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE TO SECURE SUCH SERIES 2021 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING A TAX REGULATORY AGREEMENT; AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2021 BONDS.

Commissioner Lohnes moved to adopt the following:

WHEREAS, the County of Clark, Ohio (the “County”), a county and political subdivision in and of the State of Ohio (the “State”), is authorized and empowered by virtue of the laws of the State, including without limitation, Chapter 140 of the Ohio Revised Code (the “Act”) to, among other things: (i) acquire, construct, improve and equip “hospital facilities”, as defined in the Act, which include the facilities comprising the Project (as herein defined), and to acquire, by lease, real estate within the boundaries of the Participating Public Hospital Agencies (as herein defined) and interests therein, including without limitation, improvements situated thereon comprising such hospital facilities; (ii) enter into lease agreements to provide for the lease of “hospital facilities” to a “nonprofit hospital agency”, both as defined in the Act; (iii) issue revenue bonds for the purpose of financing and refinancing the “costs of hospital facilities”, as defined in the Act, and to secure those revenue bonds by a trust indenture and by the pledge and assignment of the rent paid under the lease agreements and the funds created under the trust indenture; (iv) enact this Resolution; and (v) enter into the Trust Indenture, the Leases, the Subleases, the Bond Purchase Agreement and the Tax Regulatory Agreement, all as defined herein, and to execute and deliver certain other documents and instruments upon the terms and conditions provided herein and therein; and,

WHEREAS, the County, the Village of Waterville, Ohio, the County of Hamilton, Ohio and the County of Medina, Ohio (collectively, the “Participating Public Hospital Agencies”) entered into a Public Hospital Agencies Agreement dated as of December 1, 2001, as amended by an Amendment To Public Hospital Agencies Agreement dated as of March 1, 2001, and as further amended by a Second Amendment To Public Hospital Agencies Agreement dated as of February 1, 2001 (collectively, the “Public Hospital Agencies Agreement”), pursuant to Section 140.03, Ohio Revised Code, for the purpose of financing certain capital

equipment and construction needs of The Ohio Masonic Home (“OMH”) and Western Reserve Masonic Community, Inc. (“Western Reserve” and, together with OMH, the “Corporations”) and certain other nonprofit affiliates of the Corporations, all located within the jurisdictions of the Participating Public Hospital Agencies, including the reimbursement for costs advanced for those purposes; and,

WHEREAS, the Corporations have requested this Board of County Commissioners of the County (the “Board”) to authorize the issuance of Adjustable Rate Demand Health Care Facilities Revenue Improvement Bonds, Series 2021 (The Ohio Masonic Home Obligated Group Project) of the County of Clark, Ohio, in a maximum principal amount not to exceed \$38,000,000 (the “Series 2021 Bonds”) to finance or refinance the acquisition, construction, renovation and equipping of certain Hospital Facilities, as that term is defined in Section 140.01, Ohio Revised Code, and as described in the Subleases (the “Project”), including the reimbursement of the Corporations for costs previously incurred with respect to such Hospital Facilities and (2) certain costs and expenses in connection with the issuance of the Series 2021 Bonds; and,

WHEREAS, this Board has determined, based on information and representations provided by the Corporations, that the issuance of the Series 2021 Bonds and the acquisition, construction, renovation and equipping of the Project will further the public purpose of better providing for the health and welfare of the residents of the County and the State by enhancing the availability, efficiency and economy of skilled nursing care and assisted living facilities to service the residents of the Participating Public Hospital Agencies, so that such Hospital Facilities are and will be available for the service of the general public without discrimination by reason of race, creed, color or national origin; and,

WHEREAS, this Board has determined to authorize such Series 2021 Bonds; and,

WHEREAS, it is necessary in connection with the issuance of such Series 2021 Bonds and the acquisition, construction, renovation and equipping of the Project to provide for the authorization of Agreements of Lease, Subleases, the Bond Purchase Agreement, the Tax Regulatory Agreement and the Trust Indenture.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Clark, Ohio:

SECTION 1. That for the public purpose of better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of nursing care and assisted living facilities constituting Hospital Facilities and services rendered thereby and facilitating the financing and refinancing of Hospital Facilities to be available to or for the service of the general public without discrimination by reason of race, creed, color or national origin, this Board, acting on behalf of the County, hereby determines that it is necessary to and the County shall issue revenue bonds pursuant to Section 140.06, Ohio Revised Code, in one or more series and in the aggregate principal amount of not to exceed \$38,000,000, for the purposes set forth in the preambles hereto. Such bonds shall be designated County of Clark, Ohio, Adjustable Rate Demand Health Care Facilities Revenue Improvement Bonds, Series 2021 (The Ohio Masonic Home Obligated Group Project). The Series 2021 Bonds shall be issued in the form and denomination and shall be executed, dated, be subject to redemption prior to maturity on the dates and at the prices, bear interest at variable or fixed rates, and be payable on the dates, all as exactly provided in the Trust Indenture and Bond Purchase Agreement hereinafter authorized. The Series 2021 Bonds shall be retired either at stated maturity or by mandatory sinking fund redemption over a period not to exceed 35 years as set forth in the Trust Indenture hereinafter authorized.

SECTION 2. That the Series 2021 Bonds shall be payable at the corporate trust office of U.S. Bank National Association, as bond trustee (the “Trustee”), or any successor trustee.

SECTION 3. Anything in this Resolution, the Series 2021 Bonds and the Trust Indenture to the contrary, the Series 2021 Bonds do not and shall not constitute general obligations, debt or bonded indebtedness or a pledge of the faith and credit of the County or the State or any political subdivision thereof, and the holders or owners of the Series 2021 Bonds are not given the right, and have no right, to have excises, ad valorem taxes or other taxes levied by the County or the State or any political subdivision thereof, for the payment of the bond service charges on such Series 2021 Bonds. The Series 2021 Bonds shall contain a statement to that effect and that the right to such payment is limited to the revenues and special funds pledged for such purpose under the Trust Indenture herein authorized.

SECTION 4. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute on behalf of the County, an Indenture of Trust (the "Trust Indenture") with the aforesaid Trustee, in substantially the form presented to this Board and on file with the Clerk, and the Trust Estate as therein defined shall be pledged and the other agreements, covenants and promises therein made on behalf of the County shall be conclusively binding upon the County and in full force and effect from and after delivery of the aforesaid Series 2021 Bonds to their purchasers pursuant to the terms of said Trust Indenture. Said Trust Indenture shall be subject to such changes, insertions and omissions which are consistent with this Resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Trust Indenture as aforesaid.

SECTION 5. That the members of this Board be and they are hereby authorized and directed to do all the acts and things required of them by the provisions of the Series 2021 Bonds and the Trust Indenture to the end that full and complete performance of all of the terms, covenants and agreements of the Series 2021 Bonds and Trust Indenture shall be effected, including taking all actions necessary to complete the sale of the Series 2021 Bonds under the "Blue Sky" laws of any jurisdiction; provided that the County shall not be required to submit to service of process in connection with any such "Blue Sky" action in any state except Ohio.

SECTION 6. That this Board hereby determines that the leasing of the Existing Facilities, as defined in each of the Subleases, from OMH and Western Reserve and the subleasing of the corresponding Existing Facilities to OMH and Western Reserve, providing health care to the general public without discrimination by reason of race, creed, color or national origin, is undertaken for and will serve the public purpose of better providing for the health and welfare of the people of the Participating Public Hospital Agencies and the State of Ohio by enhancing the availability, efficiency and economy of hospital facilities and the services rendered thereby.

SECTION 7. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute and enter into, on behalf of the County, Agreements of Lease (the "Leases") with each of OMH and Western Reserve, whereby the County will acquire leasehold interests in each of the corresponding Existing Facilities. The Leases shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Leases as aforesaid. It is hereby determined that such Leases will promote the public purpose stated in Section 140.02, Ohio Revised Code, and the Participating Public Hospital Agencies will be duly benefited thereby.

SECTION 8. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute and deliver on behalf of the County Subleases (the "Subleases") with each of OMH and Western Reserve which will own or operate each of the corresponding Existing Facilities. The Subleases shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Subleases as aforesaid. It is hereby determined that such

Subleases will promote the public purpose stated in Section 140.02, Ohio Revised Code, and the Participating Public Hospital Agencies will be duly benefited thereby.

SECTION 9. That at least two (2) County Commissioners be and they are hereby authorized and directed to execute and deliver on behalf of the County a Bond Purchase Agreement (the “Bond Purchase Agreement”) providing for the sale of the Series 2021 Bonds substantially in the form heretofore presented to this Board and on file with the Clerk, so long as the sale terms contained therein are within the guidelines established in Section 1 of this Resolution. The Bond Purchase Agreement shall be subject to such changes, insertions and omissions which are consistent with this resolution and are not substantially adverse to the County and as are permitted by the Act and as may be approved by this Board, which approval shall be conclusively evidenced by the execution of said Bond Purchase Agreement as aforesaid.

SECTION 10. That least two (2) County Commissioners be and they are hereby authorized and directed to execute and deliver on behalf of the County a Tax Exemption Certificate and Agreement (the “Tax Regulatory Agreement”) among the County, the Corporations and the Trustee. The Tax Regulatory Agreement shall be in the form approved by this Board, which approval shall be exclusively evidenced by the execution of the Tax Regulatory Agreement as aforesaid. It is hereby determined that such Tax Regulatory Agreement will promote the public purpose stated in Section 140.02, Ohio Revised Code and the County will be duly benefited thereby.

SECTION 11. That this Board hereby covenants that it will restrict the use of the proceeds of the Series 2021 Bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code and the regulations prescribed thereunder. Any member of this Board or any other officer having responsibility with respect to the issuance of said Series 2021 Bonds is authorized and directed to give an appropriate certificate on behalf of the County, on the date of delivery of said Series 2021 Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 148 and regulations thereunder.

SECTION 12. That the appropriate officers of the County, including this Board, be and they hereby are authorized to execute and deliver on behalf of the County such other certificates, documents and instruments in connection with the issuance and public sale of the Series 2021 Bonds and the acquisition, construction and equipping of the Project as may be required, necessary or appropriate, including, without limitation, any documents which are necessary or appropriate in order to ensure compliance of the Series 2021 Bonds with the Internal Revenue Code. Such documents including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution thereof as aforesaid.

SECTION 13. This Board, as the “applicable elected representative” of the County of Clark, Ohio for purposes of Section 147(f) of the Code, hereby approves the issuance of the Series 2021 Bonds, in one or more series, in an amount not to exceed \$38,000,000 pursuant to the Act. Based on representations of the Corporations, the proceeds of the Series 2021 Bonds will be used for the purpose of financing (i) the acquisition, construction, renovation and equipping of certain hospital facilities located on the campuses of each of Western Reserve, 4931 Nettleton Road, Medina Township, Ohio (the “Western Reserve Campus”) and OMH, 2655 West National Road, Springfield, Ohio (the “OMH Campus”), including but not limited to a new skilled nursing facility consisting of 50 units to replace the current skilled nursing facility and a new independent living facility consisting of 56 units located on the campus of Western Reserve, and certain routine capital expenditures of OMH and Western Reserve, including reimbursement of such expenditures and (ii) certain costs of issuance of the Series 2021 Bonds. The initial owners, operators or managers of the Project will

be OMH and/or Western Reserve. The amount of proceeds of the Series 2021 Bonds spent at (i) the Western Reserve Campus shall not exceed \$38,000,000 and (ii) the OMH campus shall not exceed \$5,000,000.

SECTION 14. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were passed in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 15. That all resolutions or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2021-0539
FINX file

**10:00 a.m. Public Hearing for the
Continuation of the Current Rate of County Sales Tax**

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing for the continuation of the current rate of County Sales Tax, this being the second of two (2) public hearings.

Public Hearing opened by the Commission President at 10:13 a.m.

Staff Report: Ms. Hutchinson, County Administrator, explained currently the sales tax rate is 7.25%, which includes the state and county portions. The state gets the majority of the rate, which is 5.75%. 1.5% comes to Clark County. The 1.5% has been off and on for over 20 years. 58 counties have at least the 7.25% sales tax or greater. One percent of the 1.5% is permanent. The half percent is what is before the Commissioners. It is a recommendation from administration to make it permanent. The temporary portion provides \$9 million to the general fund. \$9 million provides for basic services for residents. The Board heard earlier today about the struggles in the Sheriff's Office. This pays for the Sheriff's Office, Courts, Prosecutor, Veterans and regular admin services. If the Board does not continue the half percent, the budget will be subject to a 20% cut in the general fund. It is impossible to provide the services noted above if it is not continued. She reminded the Board they are not operating on a balanced budget. They rely on the carry over and transitional aide fund. Local government funds vary and the Medicaid sales tax went away. It is very important to continue and make permanent the half percent sales tax.

Commissioner Lohnes said the transitional fund money was sent to the county because the state pulled the \$3.1 million a year in sales tax revenue as of July 1, 2017. The state sent enough money to get through three years to each county. Clark County has not used all the money. The commissioners have stretched the funds.

Audience Comments: Mr. Ingle supported the tax since it supports the Sheriff's Office.

Commissioner Wilt moved to close the public hearing at 10:19 a.m.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**ADD-ON
Resolution 2021-0540
POLC file**

Adopt COVID-19 Policy for Unvaccinated Employees

Commissioner McGlothlin moved, per the recommendation of the County Administrator, to adopt the following policy.

Due to the ongoing COVID-19 pandemic and the County’s desire to maintain a safe work environment for employees and constituents, as of August 23, 2021, employees who are not vaccinated will not be permitted to work from home (WFH) outside of their normal WFH schedule when they have been exposed to a presumed COVID contagious individual. Unvaccinated employees, regardless of the reason for their unvaccinated status, shall be required to use any and all appropriate leave for their absence from the office during quarantine. Failure to report a known presumed exposure shall be grounds for discipline. Unvaccinated employees may be required to submit to a COVID test upon a schedule determined by the County Administrator and provide proof of a negative test to the County Personnel Department. If such testing is required, the County Personnel Department shall provide a list of all employees (vaccinated and unvaccinated) who are permitted to work in the office as often as indicated by the schedule determined by the County Administrator. This directive applies to departments who have the Board of County Commissioners as their appointing authority or co-appointing authority.

Commissioner Wilt seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Lohnes, No; Commissioner McGlothlin, No; Commissioner Wilt, No

Resolution 2021-0541

Commissioner Lohnes moved to adjourn. Commissioner McGlothlin seconded the motion. The roll being called for its passage resulted as follows:

Commissioner Lohnes, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

BOARD OF CLARK COUNTY COMMISSIONERS

By: _____
Melanie F. Wilt, President

By: _____
Lowell R. McGlothlin

I certify that the record is true and accurate:

Commission Clerk

By: _____
Richard L. Lohnes