

October 28, 2009

The Board of Wayne County Commissioners met in Regular Session.

The minutes can be found as a digital recording saved as **10 28 2009 Session**

Mr. Carmichael moved the agenda be approved and Mrs. Obrecht seconded the motion.
The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

Mrs. Obrecht moved the minutes be approved and Mr. Carmichael seconded the motion.
The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

Approval of minutes from Commissioners' Meetings and/or Hearings held Oct. 21 – October 27, 2009.
Mr. Carmichael moved the minutes be approved and Mrs. Obrecht seconded the motion.
The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

Resolutions follow this page.

There being no further business to come before the Board, Mr. Carmichael moved the meeting be adjourned and Mrs. Obrecht seconded the motion.
The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

Attest: _____
Diane L. Austen, Clerk

Scott S. Wiggam, President

Jim Carmichael, Vice-President

Ann M. Obrecht, Member
Wayne County Commissioners

Resolution

No. 2009-571

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009
Subject: Approval of County Bills

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

Computer run dated **October 27, 2009** for County Bills in the amount of **\$775,550.89** and the Interagency Transaction/Payment batch #1311 & 1315 in the amount of **\$92,854.23** are hereby approved for payment.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-572

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009
Subject: Approval of County Home Bills

It was moved by Mrs. Obrecht and seconded by Mr. Carmichael that the following resolution be adopted:

Computer run dated **October 27, 2009** for County Home Bills in the amount of **\$11,649.10** is hereby approved for payment.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-573

Board of Wayne County Commissioners Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Approval of Appropriation Transfers

It was moved by Mrs. Obrecht and seconded by Mr. Carmichael that the following appropriation amounts be transferred by the Wayne County Auditor.

Department	Amount	From Appropriation	To Appropriation
Auditor	\$200.00	A1-B3 Supplies	A1-B9 Other
		001.2000.01.5100.000.000	001.2000.01.5900.000.000
Auditor	\$200.00	A1-B7 Travel	A1-B9 Other
		001.2000.01.5230.000.000	001.2000.01.5900.000.000
To meet year end expenses			
Job & Family	\$10,000.00	H000-H17 Contracts	H000-H25 Salaries (Soc. Serv.)
		026.0171.06.5430.000.000	026.0172.06.5001.000.000
Job & Family	\$7,500.00	H000-H17 Contracts	H101-H31 Health & Life Ins. Soc. Serv.)
		026.0171.06.5430.000.000	026.0172.06.5012.000.000
Job & Family	\$1,500.00	H000-H17 Contracts	H000-H31 PERS (Social Service)
		026.0171.06.5430.000.000	026.0172.06.5011.000.000
Job & Family	\$10,000.00	H000-H17 Contracts	H000-H25 Salaries (Admin. & Oper.)
		026.0171.06.5430.000.000	026.0171.06.5001.000.000
To meet anticipated expenditures through year end			
Municipal Court	\$800.00	A2-G11 Veh. Op.	A2-G9 Other Exp.
		001.3400.02.5170.000.000	001.3400.02.5900.000.000
Municipal Court	\$4,000.00	A2-H8 Services	A2-G9 Other Exp.
		001.3450.03.5550.000.000	001.3400.02.5900.000.000
To cover year end expenses			

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-574

Board of Wayne County Commissioners Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Authorization to Appropriate Funds

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

Department	Amount	To the Appropriation
Commissioners	\$733.95	W045-W04 Hazmat Services
		505.0150.05.5400.000.000
To account for funds received to date for Hazmat reimbursement		
Commissioners	\$360,000.00	O2-O12 Meadows Note Principal
		355.0190.09.5960.SP3.000
Commissioners	\$10,800.00	O2-O13 Meadows Note Interest
		355.0190.09.5961.SP3.000
Commissioners	\$21,318.23	O2-O14 Meadows Other Expenses
		355.0190.09.5900.SP3.000
To account for the Meadows Note Renewal and the Meadows portion of the Sewer Note (2008) Repayment due 12/4/09		
Sheriff	\$1,950.48	U062-U01 Sheriff's Donation Trust Expenses
		458.3600.03.5983.000.000
Authority to establish a trust fund to account for donated funds expended by the Sheriff		

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-575

Board of Wayne County Commissioners Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009
Subject: Approval of Fund Transfers

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

Department	Amount	From (Fund)	From Approp Acct	To (Fund)	To Receipt Acct
Commissioners	\$108,118.23	P8 Fund 358	P8-P7 Contract Services	O2 Fund 355	O2-A7 Other Receipts Meadows
			358.0190.09.5430.000.000		355.0190.00.4900.SP3.000
To close out Meadows Project Construction Fund & provide a portion of Meadows share of the 2008 Sewer Note Repayment					
Commissioners	\$73,882.00	A Fund 001 General Fund	A9-E1 Transfers- Public Asst.	H000 Fund 026	H001-B09 Transfers-In
			001.0170.13.5930.000.000		026.0171.00.4904.000.000
To provide the mandated General Fund share to Job & Family Services for the 4 th Quarter					

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-576

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Authorization to Reduce Appropriations

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following request(s) to reduce appropriations be approved.

Department	Amount	Account	GEMS	Account Description
Commissioners	(\$29,012.11)	P008-P01	358.0190.09.5432.000.000	OPWC Grant Share
To adjust accounts per actual final project totals				

The vote is as follows: Jim Carmichael ___ Ann M. Obrecht ___ Scott S. Wiggam ___

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-577

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009
Subject: Approval of Personnel Changes

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

Department	Name	Title	Pay Rate	Effective Date	Status
Care Center	Brittany Akers	Activity Aide		10/20/09	formerly Food Service Worker

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-578

Board of Wayne County Commissioners Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Approval of Travel Expenses

It was moved by Mrs. Obrecht and seconded by Mr. Carmichael that the following resolution be adopted:

Dept./Person	Where	Date	Travel	Reg.	Seminar, Conf., Mtg., etc.
Auditor					
Jarra Underwood, Keely Zemrock	Columbus	11/16-19/09	\$495.77	\$160.00	Ohio County Auditors' Conf.
Clerk of Courts					
Dennis Archer, Laurel Duty, Chris Rose	Columbus	11/4/09	\$36.00		Judicial College
Dennis Archer, Ray Iannarelli	Columbus	12/2-3/09		\$180.00	Ohio Clerk of Courts Assoc. Winter Mtg.
Emergency Mgmt.					
John Wise	Columbus	12/2-3/09	\$210.00		Emerg. Mgmt. Assoc. of OH Winter Conf.
Richard Owens	Columbus	10/30/09	\$109.00		OJFSDA Annual Conf. Committee Mtg.
Job & Family					
Richard Owens	McConnelsville	11/3/09	\$103.00		Canton Dist. Dir. Assoc. Mtg.
Margie Byrd	Columbus	11/4/09	\$15.00		Statewide APS Managers Mtg.
Justice Center					
Lynne Feller	Worthington	11/17-18/09	\$ -0-		Qtly. APCO/NENA Ohio Chapter Mtg.
Lynne Feller	Columbus	10/29/09	\$ -0-		Ohio 911 Council Mtg.
Public Defender					
Beverly Wire	Columbus	11/19-20/09	\$30.00		Death Penalty Seminar
Veterans					
Larry Watson	Columbus	11/6/09	\$120.00		Veterans Hall of Fame Induction Ceremony
Charles Craig	Columbus	11/6/09	\$120.00		Veterans Hall of Fame Induction Ceremony

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-579

Board of Wayne County Commissioners

Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$284,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING, INSTALLING, RECONSTRUCT-ING AND OTHERWISE IMPROVING FACILITIES AND OTHER PROPERTY OF AND FOR THE WAYNE COUNTY SANITARY SEWER DISTRICT NO. 1 BY CONVERTING THE MEADOWS EXTENDED AERATION WASTEWATER TREATMENT PLANT INTO A PUMP STATION, CONSTRUCTING SANITARY SEWERS AND SANITARY SEWER FORCE MAINS AND CONSTRUCTING AND INSTALLING IMPROVEMENTS TO THE MEADOWS ALLOTMENT WASTEWATER COLLECTION SYSTEM, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES AND THE ACQUISITION OF ANY REAL PROPERTY OR INTEREST THEREIN REQUIRED THEREFOR.

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, pursuant to Resolution No. 2008-506, adopted on October 8, 2008, there were issued \$500,000 Sewer District Improvement Notes, Series 2008, in anticipation of bonds, a portion of which (\$360,000) were issued for the purpose stated in Section 1 (the Outstanding Notes), which Outstanding Notes mature on December 4, 2009; and

WHEREAS, this Board finds and determines that the County should retire a portion of the Outstanding Notes with the proceeds of the Notes described in Section 3; and

WHEREAS, the County Auditor as fiscal officer of this County has certified to this Board that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years, the estimated maximum maturity of the Bonds described in Section 2 is 40 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is December 4, 2028;

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

Section 1. It is necessary to issue bonds of this County in the aggregate principal amount of \$284,000 (the "Bonds") for the purpose of paying costs of reconstructing the Meadows extended aeration wastewater treatment plant to convert it into a pump station, constructing sanitary sewers and sanitary sewer force mains and constructing and installing improvements to the Meadows allotment wastewater collection system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefore (the "Meadows Project").

Section 2. The Bonds shall be dated approximately November 1, 2010, shall bear interest at the now estimated rate of 5.25% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year, that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first principal installment is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Board determines that notes in the aggregate principal amount of \$284,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes. The Notes shall be dated the date of their issuance and shall mature one year from the date of issuance; provided, however, that the County Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 7 of this Resolution. The Notes shall bear interest at a rate not to exceed 6% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the County Auditor in the certificate awarding the Notes in accordance with Section 7 of this Resolution.

Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, and shall be payable, without deduction for services of the County's paying agent, at the office of a bank or trust company designated by the Original Purchaser (as defined in Section 7) and approved by the County Auditor in her discretion (the "Paying Agent").

Section 5. The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official capacities; provided that, any or all of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the County Auditor; provided that the entire principal amount of the Notes may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the County Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this resolution. No Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this resolution unless and until the certificate of authentication printed on the Note is signed by the Note Registrar (as defined in Section 6) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this resolution.

Section 6. The County Auditor is appointed to act as the authenticating agent, note registrar and transfer agent for the Notes (the "Note Registrar") at her office located in Wooster, Ohio.

So long as any of the Notes remain outstanding, the County will cause the Note Registrar to maintain and keep at her office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of the Note proceedings. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the County nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do

so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the principal amount of the Note or Notes surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the County. In all cases of Notes exchanged or transferred, the County shall sign, and the Note Registrar shall authenticate and deliver, Notes in accordance with the provisions of the Note proceedings. The exchange or transfer shall be without charge to the owner, except that the County and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under the Note proceedings, as the Notes surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this resolution, the County Auditor is hereby authorized to determine, consistent with the best interests of the County, that the Notes shall be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the County only to a Depository or its nominee as registered owner, with the Notes “immobilized” in the custody of the Depository. The book entry maintained by an entity other than the County is the record that identifies the owners of book entry interests in those Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Notes or the principal of and interest on Notes, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Note proceedings” means, collectively, this resolution and such other proceedings of the County, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

If determined by the County Auditor to be in the best interests of the County, the Notes shall be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes shall be issued in the form of a single, fully registered Note registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of book entry interests shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with

another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause note certificates in registered form to be authenticated by the Note Registrar and delivered to the assignees of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Auditor is hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 7. The Notes shall be sold at not less than par at private sale by the County Auditor to the purchaser identified in the certificate of award signed by the County Auditor, providing for the sale and award of the Notes in accordance with the signer's determination of the best interest of the County (the "Original Purchaser"), all in accordance with law and the provisions of this resolution. The County Auditor shall sign the certificate of award referred to in Section 3 and this Section, evidencing that sale and shall cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. Any member of this Board, the County Administrator, the Clerk of this Board, the County Auditor, the County Treasurer and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this resolution. The County Auditor is authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated issue of notes in accordance with Section 133.30(B) of the Revised Code.

Section 8. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 9. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 10. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. Any unexpended balance remaining in the improvement fund after the cost and expenses of the Meadows Project have been paid shall be used for the payment of the debt charges on the Notes and Bonds until paid in full. In each year to the extent the revenue of the County's sanitary sewerage system is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated.

Section 11. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) be treated other than as bonds to which Section 103 of

the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County hereby represents that the Outstanding Notes were designated as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Code. The County hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating an amount of the Notes not in excess of the amount of the Outstanding Notes as “qualified tax-exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Further, the County represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The County further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 12. The Clerk of this Board is directed to deliver a certified copy of this resolution to the County Auditor.

Section 13. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 10) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 14. The legal services of Squire, Sanders & Dempsey L.L.P., as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the County in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the County or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services and in paying other financing costs in connection with the Notes at the direction of the County.

Section 15. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-580

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Authority to Apply for NRA Foundation General Grant on Behalf of the Wayne County Sheriff

It was moved by Mrs. Obrecht and seconded by Mr. Carmichael that authority to apply for an NRA Foundation General Grant on behalf of the Wayne County Sheriff in the amount of \$12,480.00 with no match required is hereby authorized.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-581

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Authorization to Enter into Cooperative Use Agreement with Kidron Community Park, Inc.

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, pursuant to amended House Bill No. 562 of the 127th General Assembly of the State of Ohio, the Ohio Dept. of Natural Resources has appropriated funds in the amount of \$99,000.00 for the construction of capital facilities by Kidron Community Park, Inc. known as Project Reference Number WAYN-001C; and

WHEREAS, the Kidron Community Center will be part of facilities owned by Kidron Community Park, Inc. but made available to any resident of Wayne County without fee other than nominal charges incidental to maintenance and operation of the facilities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that authorization is granted to enter into a Cooperative Use Agreement with Kidron Community Park, Inc. for a period of fifteen years.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-582

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Adoption of Procurement Plan Dated 7/1/2009 on Behalf of the Wayne County Dept. of Job & Family Services

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, Chapter 5101:9-4, of the Ohio Administrative Code (OAC) established standards for the procurement of goods and services by county family service agencies in Ohio; and

WHEREAS, OAC Rule 5101:9-4-02 requires that each county agency establish written standards to ensure that purchases of goods and services are performed in accordance with applicable federal and state statutes, federal regulations, state administrative rules and local policies;

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that a Procurement Plan for use by Wayne County Dept. of Job & Family Services dated 7/1/09 be adopted.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-583

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Authorization to Enter into an Agreement with Riceland Cabinet Corporation for the use of Revolving Loan Fund Monies

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

SUBJECT: Authorization to Enter into an Agreement with Riceland Cabinet Corporation

WHEREAS, by Resolution #93-95, the Board of Wayne County Commissioners established a Revolving Loan Fund (RLF) with monies granted by the State of Ohio Department of Development, Office of Housing and Community Partnerships, and

WHEREAS, the Board established a plan and a committee to oversee the Revolving Loan Fund, and

WHEREAS, the Revolving Loan Fund committee is recommending that \$100,000.00 in Revolving Loan Funds be released to Riceland Cabinet Corporation as it will further economic development activity and retain 74 jobs and create six (6) new jobs in Wayne County, and

WHEREAS, the loan documents have been reviewed and approved as to form and content by the Wayne County Prosecutor, and

WHEREAS, the Board of Wayne County Commissioners must approve the release of all RLF fund disbursements, and

WHEREAS, this disbursement is contingent upon the County receiving written approval from the State.

NOW, THEREFORE, BE IT RESOLVED that the Board of Wayne County Commissioners is hereby authorized to enter into the loan agreement and supporting documents with Riceland Cabinet Corporation in the amount of \$100,000.00.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2009-584

Board of Wayne County Commissioners
Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: October 28, 2009

Subject: Resolution Continuing Self-Insured Health & Dental Insurance for
Wayne County

It was moved by Mr. Carmichael and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, R.C. 305.171 authorizes a board of county commissioners to establish a health care program and pay all or part of the premiums on behalf of county officers, employees and their immediate dependents; and

WHEREAS, this Board formed a self-funded program on January 1, 1990; and

WHEREAS, this Board has been satisfied with its self-funded program; and

WHEREAS, the cost of such insurance has since the inception of the self-funded program been divided between the employee and employer on a consistent basis in which the employee assumes payment of an amount equal to 20 percent of the cost of health insurance benefits; and

WHEREAS, this Board desires to continue this *pro-rata* formula;

NOW THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that the formula for the cost of such insurance as provided on **Exhibit A (effective 1/1/2010 – 12/31/2010)** attached hereto, is approved; and

BE IT FURTHER RESOLVED, these funds shall be deposited into a trust account under the control of Wayne County and used to pay only the expenses of the plan; and

BE IT FURTHER RESOLVED, that the Basic PPO Plan will only be available to those required to receive that option; and

BE IT FURTHER RESOLVED, that the President of the Board is authorized to enter into Agreements with UnitedHealthcare, Caremark, Eyemed, MetLife, Employers Health Coalition of Ohio and SourceOne to provide these benefits.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk