

**Commissioners' Journal**  
**August 13, 2009**

*The Geauga County Board of Commissioners met in session on August 13, 2009 at 10:00 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.*

*It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.*

*The President of the Board, William S. Young opened the meeting at 10:07 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

**APPROVE MINUTES**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the minutes for the meeting of August 11, 2009.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**APPROVE FINANCIALS**

*Fiscal Specialist Diane Arp explained the financials as including three travel requests for Job and Family Services. The Board inquired as to the emergency to which Ms. Arp replied that apparently no one was available to sign the forms for Tuesday's session.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-145 itemizing the financials for the meeting of August 13, 2009.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**ENGINEER'S OFFICE – UNIT PRICE CONTRACT – RONYAK PAVING INCORPORATED – RESURFACE MUNN ROAD**

*County Engineer R.L. Phillips stated that this project is from the county line to Washington Street. The original estimate was over \$400,000.00. The project is being done with local funds but was added because other projects were moved into the stimulus package funding.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to execute a Unit Price Contract with Ronyak Paving Incorporated for the Asphalt Resurfacing of Munn Road (CH 32, Sections A-C) in Auburn Township, in the amount of \$358,581.12.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**COUNTY HOME– REMOVE JACLYN F CLARK FROM PAID LEAVE**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to authorize removing Jaclyn F. Clark from paid administrative leave, to be effective August 17, 2009.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – RECEIPT OF FISCAL OFFICER'S CERTIFICATE – PARKMAN SEWER IMPROVEMENT**

*Director Doug Bowen reported all of the following motions are for the Parkman Sewer Improvement Project, a combination of grant and rolled over loan money. Mr. Bowen added that they received a call from an engineering firm asking if the department would accept West*

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*Farmington (250 homes) to be connected to the Parkman sewer lines. (Although there are no plans in place.) This could mean \$150,000.00 a year which would help pay for the loan payment.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to acknowledge receipt of the Fiscal Officer's Certificate pertaining to the Parkman Sewer Improvement Project Bonds, 2009A, in the amount of \$700,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – RESOLUTION FOR ISSUANCE AND SALE OF SERIES 2009A BONDS – PARKMAN SEWER IMPROVEMENT**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to execute Resolution 09-146 providing for the issuance and sale of series 2009A bonds of the County of Geauga, in the aggregate principal amount of \$700,000.00 for the purpose of paying a portion of the costs of acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga County sanitary sewer district by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefore, pertaining to the Parkman Sewer Improvement Project.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: August 13, 2009*  
*Resolution: 09-146*

*The Board of County Commissioners of the County of Geauga met on August 13, 2009, commencing at 10:00 o'clock, a.m., in regular session in the Commissioners' Chambers at 470 Center Street, Building No. 4, Chardon, Ohio, with the following members present:*

*Commissioner Jemison      Commissioner Samide*

*Commissioner Young*

*The Clerk advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.*

*Commissioner Jemison presented the following preambles and resolution and moved their adoption, which motion was duly seconded by Commissioner Samide:*

**RESOLUTION NO. 09-146**

***A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF SERIES 2009A BONDS OF THE COUNTY OF GEAUGA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$700,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING, INSTALLING AND OTHERWISE IMPROVING SANITARY SEWER FACILITIES AND OTHER RELATED PROPERTY OF AND FOR THE GEAUGA COUNTY SANITARY SEWER DISTRICT BY CONSTRUCTING A VACUUM COLLECTION SYSTEM AND SANITARY SEWER TREATMENT SYSTEM, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES AND THE ACQUISITION OF ANY REAL PROPERTY OR INTEREST THEREIN REQUIRED THEREFORE.***

*WHEREAS, this Board has previously determined to improve the Geauga County Sanitary Sewer District (the District) by acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga*

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*County Sanitary Sewer District by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefor (the Project); and*

*WHEREAS, the County has received commitments from the United States of America, acting by the through the United States Department of Agriculture (the Federal Government), for a loan in the amount of \$700,000 and a grant in the amount of \$960,000, each of which, together with two additional loans from the Federal Government in the amounts of \$740,000 and \$1,960,000, will be applied by the County towards the cost of constructing the Project; and*

*WHEREAS, the Federal Government requested that this County obtain interim financing from other sources during the construction of the Project, which interim financing would thereafter be retired from the proceeds of the aforesaid loan; and*

*WHEREAS, this Board, for the purpose of paying a portion of the interim costs of the Project, has obtained an interim loan from the Ohio Water Development Authority (the Outstanding Obligation) and the Outstanding Obligation will be retired from proceeds of the Series 2009A Bonds authorized in Section 1 hereof and other available grants and funds of the County; and*

*WHEREAS, the Project has been completed and this Board hereby finds, determines and declares that it is necessary to provide for the retirement of the Outstanding Obligation and to provide the necessary instruments to evidence the funds to be loaned to the County by the Federal Government to provide permanent financing for a portion of the costs of constructing the Project; and*

*WHEREAS, this Board further finds, determines and declares that it is currently necessary and proper for this Board to authorize the issuance of the "Sanitary Sewerage System Improvement Bonds, Series 2009A (Parkman Project)" in the aggregate principal amount of \$700,000 (the Series 2009A Bonds), pursuant to Chapter 133 of the Revised Code for the purpose of providing a portion of the funds needed to retire the Outstanding Obligation; and*

*WHEREAS, the Federal Government has agreed to purchase the Series 2009A Bonds; and*

*WHEREAS, this Board hereby finds, determines and declares that all conditions of the Federal Government precedent to the issuance and sale of the Series 2009A Bonds either have been met or can be met prior to the loan closing date (the Closing Date); and*

*WHEREAS, the County Auditor (the Auditor), as fiscal officer, has certified to this Board that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Series 2009A Bonds described in Section 1 is 40 years;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Geauga, State of Ohio, that:*

*Section 1. It is necessary to issue the Series 2009A Bonds of this County in the aggregate principal amount of \$700,000 for the purpose of paying a portion of the costs of the Project.*

*Section 2. The Series 2009A Bonds shall be issued in one lot and only as fully registered bonds, in the denominations of \$100 or any integral multiple thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Series 2009A Bonds shall be dated their date of issuance.*

*The Series 2009A Bonds shall bear interest at the rate of four and three hundred seventy-five one thousandths percent (4.375%) (computed on a 365-day year and actual number of days elapsed), payable on September 1 of each year (the Interest Payment Dates), commencing September 1, 2010, or such other date or dates established by this Board and the Federal Government as set forth in the Series 2009A Bonds, until the principal amount has been paid or provided for. The Series 2009A Bonds of any one maturity shall all bear the same rate of interest. The Series 2009A Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date of issuance.*

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*The Series 2009A Bonds shall mature on September 1 in the years and principal amounts as follows (or in such other years and principal amounts as set forth in the Series 2009A Bonds signed and authenticated pursuant to this Resolution and delivered on the Closing Date):*

<i>Year</i>	<i>Principal Amount</i>	<i>Year</i>	<i>Principal Amount</i>	<i>Year</i>	<i>Principal Amount</i>
2010	\$ 5,000	2024	\$10,000	2038	\$20,000
2011	5,000	2025	15,000	2039	25,000
2012	5,000	2026	15,000	2040	25,000
2013	10,000	2027	15,000	2041	25,000
2014	10,000	2028	15,000	2042	25,000
2015	10,000	2029	15,000	2043	30,000
2016	10,000	2030	15,000	2044	30,000
2017	10,000	2031	15,000	2045	30,000
2018	10,000	2032	15,000	2046	30,000
2019	10,000	2033	20,000	2047	35,000
2020	10,000	2034	20,000	2048	35,000
2021	10,000	2035	20,000	2049	35,000
2022	10,000	2036	20,000		
2023	10,000	2037	20,000		

*So long as any of the Series 2009A Bonds are held by the Federal Government, those Series 2009A Bonds shall be subject to redemption at the option of the County in whole or in part at any time prior to maturity in inverse order of principal maturity in integral multiples of \$100 at a redemption price of par plus accrued interest to the date of redemption. Notice of redemption of the Series 2009A Bonds or portions of the Series 2009A Bonds shall be mailed by certified mail to the Federal Government as registered owner thereof not less than 30 days prior to the date of redemption, unless that notice is waived by the Federal Government. On the redemption date all interest on the Series 2009A Bonds or portions of the Series 2009A Bonds so called for redemption (except those as to which default in payment of the redemption price shall occur on presentation for payment) shall cease.*

*Section 3. The Series 2009A Bonds shall be signed by at least two members of this Board and by the 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 Series 2009A Bonds shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, shall be numbered as determined by the 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 Bond 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 Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this resolution. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Auditor on behalf of the County. The same person need not sign the certificate of authentication on all of the Series 2009A Bonds.*

*Section 4. The Auditor of the County is hereby appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Series 2009A Bonds (the Bond Registrar) so long as the Federal Government remains as the registered owner of the Series 2009A Bonds. The Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred by the Bond Registrar in performing the duties and obligations of the Bond Registrar under this resolution. In the event that any other person shall become a registered owner of the Series 2009A Bonds, then with regard to any Series 2009A Bonds held by persons other than the Federal Government, prior to the execution and delivery of those Series 2009A Bonds, there shall be executed and delivered, in the name and on behalf of the County, and in a form having the Council's approval, an agreement with a bank or trust company in which the County appoints that bank or trust company, and agrees to act, as the Bond Registrar for the Series 2009A Bonds. The Auditor shall provide for the payments of the services rendered pursuant to any such agreement from funds lawfully available and appropriated or to be appropriated for that purpose.*

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*Section 5. The debt charges on the Series 2009A Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Series 2009A Bonds at the office of the Bond Registrar, provided that the principal or portion of principal of any Series 2009A Bonds registered in the name of the Federal Government shall be payable by check or draft mailed by the Bond Registrar to that registered owner at the address shown on the Bond Register (as defined in Section 6 below) of the County. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed by the Bond Registrar to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date).*

*Section 6. So long as any of the Series 2009A Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its office all books and records necessary for the registration, exchange and transfer of Series 2009A Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this resolution. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond 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 Bond, including interest, to the extent of the amount or amounts so paid.*

*Any Bond may be exchanged for Series 2009A Bonds of any authorized denomination upon presentation and surrender at the office of the Bond 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 Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond 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 Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Series 2009A Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond 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 Bond Registrar shall undertake the exchange or transfer of Series 2009A Bonds only after the new Series 2009A Bonds are signed by the authorized officers of the County. In all cases of Series 2009A Bonds exchanged or transferred, the County shall sign and the Bond Registrar shall authenticate and deliver Series 2009A Bonds in accordance with the provisions of this resolution. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other Federal Governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Series 2009A Bonds 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 this resolution, as the Series 2009A Bonds surrendered upon that exchange or transfer.*

*Section 7. The Series 2009A Bonds are hereby awarded and sold to the Federal Government at a purchase price of par, and in accordance with law and the provisions of this resolution. The Auditor shall cause the Series 2009A Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2009A Bonds, to the original purchaser upon payment of the purchase price. Any member of this Board, the Auditor, the Treasurer, the Prosecutor, the Assistant Prosecutor, the Clerk and other County officials, as appropriate, each are 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. In connection with the issuance of the Bonds herein authorized, the legal services of the law firm of Squire, Sanders & Dempsey L.L.P. are hereby retained to act as bond counsel to this County.*

*Section 8. The proceeds from the sale of the Series 2009A Bonds, 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 Series 2009A Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the*

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*Bond Retirement Fund. The Auditor or the Director of the Department of Water Resources is hereby directed to take such actions as may be necessary in order to prepay the Outstanding Obligation as soon as possible after the issuance of the Series 2009A Bonds, including the delivery of any notice (unless waived by that holder) to the holder of that Outstanding Obligation as contemplated in the resolution which authorized the Outstanding Obligation.*

*Section 9. There shall be levied on all the taxable property in the County, in addition to all other taxes, a direct tax annually during the period the Series 2009A Bonds are outstanding in an amount sufficient to pay the debt charges on the Series 2009A Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Series 2009A Bonds when and as the same fall due*

*Section 10. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2009A Bonds in such manner and to such extent as may be necessary so that (a) the Series 2009A Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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(a) of the Code applies, and (b) the interest thereon will not be treated as 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 Series 2009A Bonds to be and to remain excluded from gross income for federal income tax purposes, and (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 Series 2009A Bonds to the Federal Governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (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 Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Series 2009A Bonds 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 Series 2009A Bonds as the County is permitted 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 Series 2009A Bonds 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 or 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 Series 2009A Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Series 2009A Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Series 2009A Bonds, 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 Series 2009A Bonds.*

*Section 11. The Clerk of this Board is directed to deliver a certified copy of this Resolution to the Auditor.*

*Section 12. 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 Series 2009A Bonds in order to make them legal, valid and binding general obligations of the County of Geauga*

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*have been performed and have been met, or will at the time of delivery of the Series 2009A Bonds 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 9) of the County are pledged for the timely payment of the debt charges on the Series 2009A Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Series 2009A Bonds.*

*Section 13. 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.*

*Section 14. This Resolution shall be in full force and effect from and immediately after its adoption.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – RECEIPT OF FISCAL OFFICER'S  
CERTIFICATE – PARKMAN SEWER IMPROVEMENT**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to acknowledge receipt of the Fiscal Officer's Certificate pertaining to the Parkman Sewer Improvement Project Bonds, 2009B, in the amount of \$1,960,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – RESOLUTION FOR ISSUANCE AND SALE OF  
2009B BONDS – PARKMAN SEWER IMPROVEMENT**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-147 providing for the issuance and sale of series 2009B bonds of the County of Geauga, in the aggregate principal amount of \$1,960,000.00 for the purpose of paying a portion of the costs of acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga County sanitary sewer district by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefore, pertaining to the Parkman Sewer Improvement Project.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: August 13, 2009*

*Resolution: 09-147*

*The Board of County Commissioners of the County of Geauga met on August 13, 2009, commencing at 10:00 o'clock, a.m., in regular session in the Commissioners' Chambers at 470 Center Street, Building No. 4, Chardon, Ohio, with the following members present:*

*Commissioner Jemison      Commissioner Samide*

*Commissioner Young*

*The Clerk advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.*

*Commissioner Jemison presented the following preambles and resolution and moved their adoption, which motion was duly seconded by Commissioner Samide:*

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*RESOLUTION NO. 09-147*

*A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF SERIES 2009B BONDS OF THE COUNTY OF GEAUGA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,960,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING, INSTALLING AND OTHERWISE IMPROVING SANITARY SEWER FACILITIES AND OTHER RELATED PROPERTY OF AND FOR THE GEAUGA COUNTY SANITARY SEWER DISTRICT BY CONSTRUCTING A VACUUM COLLECTION SYSTEM AND SANITARY SEWER TREATMENT SYSTEM, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES AND THE ACQUISITION OF ANY REAL PROPERTY OR INTEREST THEREIN REQUIRED THEREFORE.*

*WHEREAS, this Board has previously determined to improve the Geauga County Sanitary Sewer District (the District) by acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga County Sanitary Sewer District by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefor (the Project); and*

*WHEREAS, the County has received commitments from the United States of America, acting by the through the United States Department of Agriculture (the Federal Government), for a loan in the amount of \$1,960,000, which, together with two additional loans from the Federal Government in the amounts of \$740,000 and \$700,000, and a grant in the amount of \$960,000, will be applied by the County towards the cost of constructing the Project; and*

*WHEREAS, the Federal Government requested that this County obtain interim financing from other sources during the construction of the Project, which interim financing would thereafter be retired from the proceeds of the aforesaid loan; and*

*WHEREAS, this Board, for the purpose of paying a portion of the interim costs of the Project, has obtained an interim loan from the Ohio Water Development Authority (the Outstanding Obligation) and the Outstanding Obligation will be retired from proceeds of the Series 2009B Bonds authorized in Section 1 hereof and other available grants and funds of the County; and*

*WHEREAS, the Project has been completed and this Board hereby finds, determines and declares that it is necessary to provide for the retirement of the Outstanding Obligation and to provide the necessary instruments to evidence the funds to be loaned to the County by the Federal Government to provide permanent financing for a portion of the costs of constructing the Project; and*

*WHEREAS, this Board further finds, determines and declares that it is currently necessary and proper for this Board to authorize the issuance of the "Sanitary Sewerage System Improvement Bonds, Series 2009B (Parkman Project)" in the aggregate principal amount of \$1,960,000 (the Series 2009B Bonds), pursuant to Chapter 133 of the Revised Code for the purpose of providing a portion of the funds needed to retire the Outstanding Obligation; and*

*WHEREAS, the Federal Government has agreed to purchase the Series 2009B Bonds; and*

*WHEREAS, this Board hereby finds, determines and declares that all conditions of the Federal Government precedent to the issuance and sale of the Series 2009B Bonds either have been met or can be met prior to the loan closing date (the Closing Date); and*

*WHEREAS, the County Auditor (the Auditor), as fiscal officer, has certified to this Board that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Series 2009B Bonds described in Section 1 is 40 years;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Geauga, State of Ohio, that:*



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*Section 1. It is necessary to issue the Series 2009B Bonds of this County in the aggregate principal amount of \$1,960,000 for the purpose of paying a portion of the costs of the Project.*

*Section 2. The Series 2009B Bonds shall be issued in one lot and only as fully registered bonds, in the denominations of \$100 or any integral multiple thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Series 2009B Bonds shall be dated their date of issuance.*

*The Series 2009B Bonds shall bear interest at the rate of four and three hundred seventy-five one thousandths percent (4.375%) (computed on a 365-day year and actual number of days elapsed), payable on September 1 of each year (the Interest Payment Dates), commencing September 1, 2010, or such other date or dates established by this Board and the Federal Government as set forth in the Series 2009B Bonds, until the principal amount has been paid or provided for. The Series 2009B Bonds of any one maturity shall all bear the same rate of interest. The Series 2009B Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date of issuance.*

*The Series 2009B Bonds shall mature on September 1 in the years and principal amounts as follows (or in such other years and principal amounts as set forth in the Series 2009B Bonds signed and authenticated pursuant to this Resolution and delivered on the Closing Date):*

<i>Year</i>	<i>Principal Amount</i>	<i>Year</i>	<i>Principal Amount</i>	<i>Year</i>	<i>Principal Amount</i>
2010	\$20,000	2024	\$35,000	2038	\$ 65,000
2011	20,000	2025	35,000	2039	65,000
2012	20,000	2026	35,000	2040	70,000
2013	20,000	2027	40,000	2041	70,000
2014	20,000	2028	40,000	2042	75,000
2015	25,000	2029	45,000	2043	75,000
2016	25,000	2030	45,000	2044	80,000
2017	25,000	2031	45,000	2045	85,000
2018	25,000	2032	50,000	2046	90,000
2019	30,000	2033	50,000	2047	90,000
2020	30,000	2034	55,000	2048	95,000
2021	30,000	2035	55,000	2049	100,000
2022	30,000	2036	55,000		
2023	35,000	2037	60,000		

*So long as any of the Series 2009B Bonds are held by the Federal Government, those Series 2009B Bonds shall be subject to redemption at the option of the County in whole or in part at any time prior to maturity in inverse order of principal maturity in integral multiples of \$100 at a redemption price of par plus accrued interest to the date of redemption. Notice of redemption of the Series 2009B Bonds or portions of the Series 2009B Bonds shall be mailed by certified mail to the Federal Government as registered owner thereof not less than 30 days prior to the date of redemption, unless that notice is waived by the Federal Government. On the redemption date all interest on the Series 2009B Bonds or portions of the Series 2009B Bonds so called for redemption (except those as to which default in payment of the redemption price shall occur on presentation for payment) shall cease.*

*Section 3. The Series 2009B Bonds shall be signed by at least two members of this Board and by the 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 Series 2009B Bonds shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, shall be numbered as determined by the 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 Bond 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 Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this resolution. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Auditor on behalf of the*

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County. The same person need not sign the certificate of authentication on all of the Series 2009B Bonds.

*Section 4. The Auditor of the County is hereby appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Series 2009B Bonds (the Bond Registrar) so long as the Federal Government remains as the registered owner of the Series 2009B Bonds. The Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred by the Bond Registrar in performing the duties and obligations of the Bond Registrar under this resolution. In the event that any other person shall become a registered owner of the Series 2009B Bonds, then with regard to any Series 2009B Bonds held by persons other than the Federal Government, prior to the execution and delivery of those Series 2009B Bonds, there shall be executed and delivered, in the name and on behalf of the County, and in a form having the Council's approval, an agreement with a bank or trust company in which the County appoints that bank or trust company, and agrees to act, as the Bond Registrar for the Series 2009B Bonds. The Auditor shall provide for the payments of the services rendered pursuant to any such agreement from funds lawfully available and appropriated or to be appropriated for that purpose.*

*Section 5. The debt charges on the Series 2009B Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Series 2009B Bonds at the office of the Bond Registrar, provided that the principal or portion of principal of any Series 2009B Bonds registered in the name of the Federal Government shall be payable by check or draft mailed by the Bond Registrar to that registered owner at the address shown on the Bond Register (as defined in Section 6 below) of the County. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed by the Bond Registrar to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date).*

*Section 6. So long as any of the Series 2009B Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its office all books and records necessary for the registration, exchange and transfer of Series 2009B Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this resolution. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond 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 Bond, including interest, to the extent of the amount or amounts so paid.*

*Any Bond may be exchanged for Series 2009B Bonds of any authorized denomination upon presentation and surrender at the office of the Bond 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 Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond 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 Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Series 2009B Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond 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 Bond Registrar shall undertake the exchange or transfer of Series 2009B Bonds only after the new Series 2009B Bonds are signed by the authorized officers of the County. In all cases of Series 2009B Bonds exchanged or transferred, the County shall sign and the Bond Registrar shall authenticate and deliver Series 2009B Bonds in accordance with the provisions of this resolution. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other Federal Governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Series 2009B Bonds 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 this resolution, as the Series 2009B Bonds surrendered upon that exchange or transfer.*

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*Section 7. The Series 2009B Bonds are hereby awarded and sold to the Federal Government at a purchase price of par, and in accordance with law and the provisions of this resolution. The Auditor shall cause the Series 2009B Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2009B Bonds, to the original purchaser upon payment of the purchase price. Any member of this Board, the Auditor, the Treasurer, the Prosecutor, the Assistant Prosecutor, the Clerk and other County officials, as appropriate, each are 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. In connection with the issuance of the Bonds herein authorized, the legal services of the law firm of Squire, Sanders & Dempsey L.L.P. are hereby retained to act as bond counsel to this County.*

*Section 8. The proceeds from the sale of the Series 2009B Bonds, 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 Series 2009B Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund. The Auditor or the Director of the Department of Water Resources is hereby directed to take such actions as may be necessary in order to prepay the Outstanding Obligation as soon as possible after the issuance of the Series 2009B Bonds, including the delivery of any notice (unless waived by that holder) to the holder of that Outstanding Obligation as contemplated in the resolution which authorized the Outstanding Obligation.*

*Section 9. There shall be levied on all the taxable property in the County, in addition to all other taxes, a direct tax annually during the period the Series 2009B Bonds are outstanding in an amount sufficient to pay the debt charges on the Series 2009B Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Series 2009B Bonds when and as the same fall due*

*Section 10. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2009B Bonds in such manner and to such extent as may be necessary so that (a) the Series 2009B Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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(a) of the Code applies, and (b) the interest thereon will not be treated as 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 Series 2009B Bonds to be and to remain excluded from gross income for federal income tax purposes, and (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 Series 2009B Bonds to the Federal Governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (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 Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Series 2009B Bonds 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 Series 2009B Bonds as the County is permitted 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 Series 2009B Bonds 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 or 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*

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*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 Series 2009B Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Series 2009B Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Series 2009B Bonds, 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 Series 2009B Bonds.*

*Section 11. The Clerk of this Board is directed to deliver a certified copy of this Resolution to the Auditor.*

*Section 12. 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 Series 2009B Bonds in order to make them legal, valid and binding general obligations of the County of Geauga have been performed and have been met, or will at the time of delivery of the Series 2009B Bonds 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 9) of the County are pledged for the timely payment of the debt charges on the Series 2009B Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Series 2009B Bonds.*

*Section 13. 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.*

*Section 14. This Resolution shall be in full force and effect from and immediately after its adoption.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – RECEIPT OF FISCAL OFFICER'S  
CERTIFICATE – PARKMAN SEWER IMPROVEMENT**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to acknowledge receipt of the Fiscal Officer's Certificate pertaining to the Parkman Sewer Project Revenue Bonds, Series 2009, in the amount of \$740,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – RESOLUTION FOR ISSUANCE AND SALE OF  
BONDS – PARKMAN SEWER IMPROVEMENT**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to execute Resolution 09-148 providing for the issuance and sale of bonds of the County of Geauga, in the aggregate principal amount of \$740,000.00 for the purpose of paying a portion of the costs of acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga County sanitary sewer district by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefore, pertaining to the Parkman Sewer Improvement Project.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: August 13, 2009*

*Resolution: 09-148*

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*The Board of County Commissioners of the County of Geauga met on August 13, 2009, commencing at 10:00 o'clock, a.m., in regular session in the Commissioners' Chambers at 470 Center Street, Building No. 4, Chardon, Ohio, with the following members present:*

*Commissioner Jemison      Commissioner Samide*

*Commissioner Young*

*The Clerk advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.*

*Commissioner Jemison presented the following preambles and resolution and moved their adoption, which motion was duly seconded by Commissioner Samide:*

**RESOLUTION NO. 09-148**

***A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF BONDS OF THE COUNTY OF GEAUGA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$740,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING, INSTALLING AND OTHERWISE IMPROVING SANITARY SEWER FACILITIES AND OTHER RELATED PROPERTY OF AND FOR THE GEAUGA COUNTY SANITARY SEWER DISTRICT BY CONSTRUCTING A VACUUM COLLECTION SYSTEM AND SANITARY SEWER TREATMENT SYSTEM, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES AND THE ACQUISITION OF ANY REAL PROPERTY OR INTEREST THEREIN REQUIRED THEREFORE.***

*WHEREAS, pursuant to Chapter 6117 of the Revised Code, this Board has by proper legislation created the Geauga County Sanitary Sewer District (the District); and*

*WHEREAS, pursuant to Section 6117.06 of the Revised Code, this Board has by proper legislation approved a general plan of sewage disposal for the District; and*

*WHEREAS, this Board has previously determined to improve the District by acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga County Sanitary Sewer District by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefor (the Project); and*

*WHEREAS, the County has received commitments from the United States of America, acting by and through the United States Department of Agriculture (the Federal Government), for a loan in the amount of \$740,000 and a grant in the amount of \$960,000, each of which, together with two additional loans from the Federal Government in the amounts of \$700,000 and \$1,960,000, will be applied by the County towards the cost of constructing the Project; and*

*WHEREAS, this Board has taken the proceedings provided for in Chapter 6117 of the Revised Code to provide for the payment of costs of constructing the Project from funds derived from the imposition of rates, rentals and charges for the services of the District; and*

*WHEREAS, the Federal Government requested that this County obtain interim financing from other sources during the construction of the Project, which interim financing would thereafter be retired from the proceeds of the aforesaid loan; and*

*WHEREAS, this Board for the purpose of paying a portion of the interim costs of the Project, has obtained an interim loan from the Ohio Water Development Authority (the Outstanding Obligation) and the Outstanding Obligation will be retired from proceeds of the Bonds authorized in Section 2 hereof and other available grants and funds of the County; and*

*WHEREAS, the Project has been completed and this Board hereby finds, determines and declares that it is necessary to provide for the retirement of the Outstanding Obligation and to*

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*provide the necessary instruments to evidence the funds to be loaned to the County by the Federal Government to provide permanent financing for a portion of the costs of constructing the Project; and*

*WHEREAS, this Board further finds, determines and declares that it is currently necessary and proper for this Board to authorize the issuance of the "Sanitary Sewerage System Improvement Revenue Bonds, Series 2009" in the aggregate principal amount of \$740,000 (the Series 2009 Revenue Bonds), pursuant to Section 133.08 of the Revised Code, and other authorizing provisions of law, for the purpose of providing a portion of the funds needed to retire the Outstanding Obligation, and the Series 2009 Revenue Bonds, together with any additional bonds subsequently issued on a parity therewith (the Additional Bonds, and, together with the Series 2009 Revenue Bonds, the Bonds), are to be secured by a pledge of the Net Revenues of the District as provided for herein; and*

*WHEREAS, the Federal Government has agreed to purchase the Series 2009 Revenue Bonds; and*

*WHEREAS, this Board hereby finds, determines and declares that all conditions of the Federal Government precedent to the issuance and sale of the Series 2009 Revenue Bonds either have been met or can be met prior to the loan closing date; and*

*WHEREAS, the County Auditor, as fiscal officer, 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 and the maximum maturity of the Bonds described in Section 2 is 40 years;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Geauga, State of Ohio, that:*

*Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Resolution, unless the context or use clearly indicates another or different meaning or intent:*

*"Act" means Chapter 133 of the Revised Code and, in particular, Section 133.08 thereof, together with Sections 9.98 through 9.983 and 6117.25 of the Revised Code.*

*"Additional Bonds" means those bonds that may be authorized by subsequent resolutions of this Board and issued from time to time pursuant to those resolutions and in accordance with Section 10 and secured by a lien upon the Net Revenues on a parity with the Series 2009 Revenue Bonds.*

*"Auditor" means the County Auditor of the County.*

*"Authorized Denominations" means the denomination of \$100 or any integral multiple thereof.*

*"Board" means the Board of County Commissioners of the County.*

*"Bond Register" means all books and records necessary for the registration, exchange and transfer of the Series 2009 Revenue Bonds as provided in Section 6.*

*"Bond Registrar" means initially the Auditor acting as the bond registrar, transfer agent and paying agent for the Series 2009 Revenue Bonds as provided in Section 6.*

*"Bond Reserve Fund" means the Geauga County Sanitary Sewer District Bond Reserve Fund created in Section 8.*

*"Bond Reserve Requirement" means, with respect to the Series 2009 Revenue Bonds, an amount that is equal to the average annual Bond Service Charges on the Series 2009 Revenue Bonds in those years in which principal and interest are payable and, with respect to any Additional Bonds, an amount for which provision is made in the resolution authorizing the issuance of Additional Bonds; provided, however, the applicable Bond Reserve Requirement shall never exceed the least of (i) 10% of the proceeds of the Bonds secured thereby determined in accordance with Section 148(d) of the Code, (ii) the maximum annual Bond Service Charges on all outstanding*

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*Bonds secured thereby or (iii) 125% of the average annual Bond Service Charges on the outstanding Bonds secured thereby.*

*“Bond Service Charges” means the principal (as payable at stated maturity or by redemption), interest and any redemption premium required to be paid by the County on the Bonds, and includes any mandatory sinking fund requirements.*

*“Bond Service Fund” means the Geauga County Sanitary Sewer District Bond Service Fund created in Section 8.*

*“Bonds” means, collectively, the Series 2009 Revenue Bonds and any Additional Bonds.*

*“Closing Date” means September 16, 2009, or any other date agreed to by the Auditor and the Federal Government, but such date shall not be later than November 1, 2009.*

*“Code” means the Internal Revenue Code of 1986, the Treasury Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, any amendments of, or successor provisions to, the foregoing, and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and such applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.*

*“Construction Fund” means the Geauga County Sanitary Sewer District Construction Fund created in Section 8.*

*“County” means Geauga County, Ohio.*

*“Federal Government” means the United States of America, acting by and through the United States Department of Agriculture.*

*“Fiscal Year” means a period of 12 consecutive months commencing on the first day of January of any year and ending on the last day of December of that year, or, as to be evidenced by a certificate of the Auditor, such other consecutive 12-month period as may hereafter be established as the fiscal year for District budgeting, appropriations and accounting purposes.*

*“Interest Payment Dates” means September 1 of each year that the Series 2009 Revenue Bonds are outstanding, commencing on September 1, 2010, or such other date or dates established by this Board and the Federal Government as set forth in the Series 2009 Revenue Bonds.*

*“Improvements” means any improvements, additions, replacements or extensions to the District, including real estate and interests in real estate, buildings, structures, fixtures and facilities and additions, and machinery, equipment, furniture and other personal property.*

*“Loan Resolution” means RUS Bulletin 1780-27, adopted by the Board on May 23, 2002, providing for the sale of the Series 2009 Revenue Bonds to the Federal Government.*

*“Net Revenues” means Revenues less Operating Expenses.*

*“Operating Expenses” means all expenses for the operation, maintenance, administration and ordinary current repairs of the District necessary in order to maintain and operate the District in a reasonable and prudent manner, and including items normally included as essential expenses in the operating budget of governmentally owned sanitary sewer systems, and further including, without limitation, insurance premiums, the County’s administrative expenses allocable to the District (including, without limitation, engineering, architectural, legal, consulting and accounting fees and expenses), costs of meeting the County’s continuing disclosure commitments, any taxes or assessments, whether general or special, that are lawfully imposed on the District or on the revenue or income derived from the operation of the District, charges for electricity, telephone and other public or private utility services, any penalty or fine imposed on the County by any governmental or regulatory authority arising from the County’s manner of operation of the District (except to the extent, if any, such penalty or fine is subordinated to the payment of Operating Expenses and Bond Service Charges), and fees and expenses of the Bond Registrar and any authenticating and paying agents, fees and expenses of any independent engineers, architects,*

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*consultants, accountants and attorneys retained by the County from time to time to perform and carry out duties imposed on the County by this Resolution, and other expenses related to the foregoing, all as determined (except as otherwise specified in this definition) in accordance with standard principles of governmental utility accounting. Operating Expenses shall not include: (a) Bond Service Charges or debt service on Other District Indebtedness; or (b) any allowance for amortization or depreciation of the District; or (c) expenditures for capital replacements having an estimated life or usefulness and cost that exceeds minimum standards established by the County's accounting policies, and engineering, architectural, legal, consulting and accounting fees and expenses incurred in connection with those expenditures.*

*"Operating Reserve" means an amount equal to one-sixth of the Operating Expenses of the District for the 12 consecutive, calendar months next preceding the date such amount is calculated.*

*"Other District Indebtedness" means general obligation indebtedness and Ohio Water Development Authority loans and Burton Lakes Sanitary Sewer District Improvement Revenue Bonds dated as of May 14, 1981 issued or incurred by the County to provide money to pay costs of Improvements or to fund, refund or retire Other District Indebtedness or Bonds previously issued.*

*"Pledged Funds" means, collectively, the Revenue Fund (to the extent money in it constitutes Net Revenues), the Bond Service Fund, the Replacement and Improvement Fund and, with respect to the Series 2009 Revenue Bonds, the Series 2009 Bond Reserve Account in the Bond Reserve Fund or, with respect to a series of Additional Bonds, the applicable account in the Bond Reserve Fund created for that series of Additional Bonds in the resolution authorizing that series of Additional Bonds.*

*"Project" means acquiring, constructing, equipping, installing and otherwise improving sanitary sewer facilities and other related property of and for the Geauga County sanitary sewer district by constructing a vacuum collection system and sanitary sewer treatment system, together with all incidental work and related appurtenances and the acquisition of any real property or interest therein required therefor.*

*"Prosecutor" means the Prosecuting Attorney of the County.*

*"Registered Holder" means each person in whose name a Bond is registered, with respect to the Series 2009 Revenue Bonds, on the Bond Register or, with respect to Additional Bonds, on a bond register provided for in the resolution authorizing the issuance of such Additional Bonds.*

*"Replacement and Improvement Fund" means the Geauga County Sanitary Sewer District Replacement and Improvement Fund created in Section 8.*

*"Revenue Fund" means the Geauga County Sanitary Sewer District Revenue Fund created in Section 8.*

*"Revenues" means all revenues received by or on behalf of the County from or in connection with the ownership, operation, use and services of the District including, without limitation, any investment income realized from any investment made from any money credited to the Revenue Fund, the Bond Service Fund, the Bond Reserve Fund and the Replacement and Improvement Fund, all rates, charges, rentals and other income related to the District and received by the County or accrued to the County, and other money pledged in this Resolution, to be deposited in the Revenue Fund, all as determined (except as otherwise specified in this definition) in accordance with standard principles of governmental utility accounting, together with any other money deposited by the County in the Revenue Fund or the Bond Service Fund other than from other Pledged Funds or the proceeds of Bonds or Other District Indebtedness. Revenues do not include (a) any income resulting from investment of money on deposit in the Construction Fund, (b) proceeds of Bonds or Other District Indebtedness, (c) proceeds of the sale of any portion of the District or the profit or loss from the sale or other disposition, not in the ordinary course of business, of any fixed or capital assets of the District, or (d) proceeds of insurance (other than insurance that provides for lost Revenues when the District is unable to function) or eminent domain proceedings.*

*"Series 2009 Revenue Bonds" means the bonds authorized pursuant to Section 2.*



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*“Series 2009 Bond Reserve Account” means the Geauga County Sanitary Sewer District Series 2009 Revenue Bonds Reserve Account of the Bond Reserve Fund created in Section 8.*

*“Treasurer” means the County Treasurer of the County.*

*The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.*

*Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the County’s best interest to issue bonds of this County in an aggregate principal amount of \$740,000 to pay a portion of the costs of the Project. The Series 2009 Revenue Bonds shall be issued pursuant to the Act and this Resolution.*

*The proceeds from the sale of the Series 2009 Revenue Bonds shall be allocated and deposited as follows:*

*(a) To the County’s bond retirement fund, in addition to other available money of the County, an amount necessary to retire the Outstanding Obligation; and*

*(b) The balance, to the Construction Fund to be applied to pay costs of the Project and costs of issuance of the Series 2009 Revenue Bonds.*

*The proceeds from the sale of the Series 2009 Revenue Bonds shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Series 2009 Revenue Bonds are being issued.*

*Section 3. Findings in Respect of the Loan Resolution. This Board hereby finds, determines and declares that the period of usefulness of the Project is at least 40 years from the Closing Date; and further finds, determines, declares, ratifies and confirms its acceptance of the loan and the grant referred to in the preambles hereto and all actions of County officials and others relating to the application for and acceptance of said loan and grant, including all actions of any and all County officials relating thereto.*

*In accordance with the Loan Resolution, rates and charges for the services of the District have been fixed in an amount sufficient to pay the costs of operating and maintaining the District and also to provide an amount of revenues adequate to pay the Bond Service Charges on the Series 2009 Revenue Bonds, when and as they are due and payable, to provide for the funding of the Series 2009 Bond Reserve Account of the Bond Reserve Fund in accordance with paragraph “Fourth” of Section 9, and all other requirements provided herein, and to otherwise comply with the covenants herein.*

*Section 4. Terms of the Series 2009 Revenue Bonds.*

*(a) Designation, Form and Numbering. The Series 2009 Revenue Bonds shall be designated as “County of Geauga, Ohio Sanitary Sewerage System Improvement Revenue Bonds, Series 2009 (Parkman Project).” The Series 2009 Revenue Bonds shall be issued in fully registered form only, shall be transferable and exchangeable for other Series 2009 Revenue Bonds in the manner and on the terms provided herein, shall be numbered as determined by the Auditor in order to distinguish each Series 2009 Bond from any other Series 2009 Bond, and the Bond Service Charges on the Series 2009 Revenue Bonds shall be payable in lawful money of the United States of America. The Series 2009 Revenue Bonds shall be negotiable instruments and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to the Act and this Resolution. The Series 2009 Revenue Bonds shall be issued in printed, typewritten or other manuscript form as may be requested by the Federal Government as the original purchaser thereof.*

*(b) Denomination and Dates. The Series 2009 Revenue Bonds shall be issued in one lot and only as fully registered bonds in Authorized Denominations but in no case as to a particular maturity date exceeding the principal amount maturing on that date, provided, however, that because the Series 2009 Revenue Bonds are being purchased by the Federal Government, a single Series 2009 Bond in the aggregate principal amount stated in Section 2 and with installments payable in the amounts and on the dates set forth in this Section may be issued to the Federal*

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*Government to represent the Series 2009 Revenue Bonds in lieu of a series of serial bonds. The Series 2009 Revenue Bonds shall be dated as of their date of issuance.*

*(c) Interest and Place of Payment. The Series 2009 Revenue Bonds shall bear interest at the rate of four and three hundred seventy-five one-thousandths percent (4.375%) per year, on the outstanding principal balance thereof, calculated on the basis of a 365-day year and actual number of days elapsed, which interest shall be payable on each Interest Payment Date until the principal amount thereof is paid. Installments of principal and interest on each Series 2009 Bond shall be payable by check or draft mailed to the persons in whose names such Series 2009 Bond are registered on the Bond Register described in Section 6 of this Resolution (the Registered Holder) at the address shown on the Bond Register; provided that the final payment of all unpaid principal and interest, shall be payable when due upon presentation and surrender of each Series 2009 Bond at the office of the Auditor.*

*(d) Principal Payment Schedule. The Series 2009 Revenue Bonds shall be due and payable on September 1 in the years and in the principal amounts as follows (or in such other years and principal amounts as set forth in the Series 2009 Revenue Bonds signed and authenticated pursuant to this Resolution and delivered on the Closing Date):*

<i><b>Year</b></i>	<i><b>Principal Amount</b></i>	<i><b>Year</b></i>	<i><b>Principal Amount</b></i>	<i><b>Year</b></i>	<i><b>Principal Amount</b></i>
2010	\$ 5,000	2024	\$15,000	2037	\$25,000
2011	5,000	2025	15,000	2038	25,000
2012	10,000	2026	15,000	2039	25,000
2013	10,000	2027	15,000	2040	25,000
2014	10,000	2028	15,000	2041	25,000
2015	10,000	2029	15,000	2042	30,000
2016	10,000	2030	15,000	2043	30,000
2017	10,000	2031	15,000	2044	30,000
2018	10,000	2032	20,000	2045	30,000
2019	10,000	2033	20,000	2046	35,000
2020	10,000	2034	20,000	2047	35,000
2021	10,000	2035	20,000	2048	35,000
2022	10,000	2036	20,000	2049	40,000
2023	10,000				

*(e) Redemption Provisions. The Series 2009 Revenue Bonds maturing on or after September 1, 2020, shall be subject to redemption in whole or in part, in integrals of \$100, in inverse numerical order on any date on or after September 1, 2019, at their par value plus accrued interest to the date fixed for redemption; provided, however, that any Series 2009 Revenue Bonds registered in the name of the Federal Government may be redeemed in whole or in part at any time in inverse order of principal maturity at a redemption price of par plus accrued interest to the date of redemption. Notice of redemption, identifying Series 2009 Revenue Bonds or portions thereof, to be called, shall be mailed by certified mail to the Registered Holders thereof not less than 30 days prior to the date of redemption, upon which redemption date all interest upon the Series 2009 Revenue Bonds, or portions thereof, so called shall cease except for those as to which default shall be made, upon presentation, in the payment of the redemption price.*

*(f) Execution. The Series 2009 Revenue Bonds shall be signed by at least two members of this Board and the Auditor, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. Any authority, officer or board which hereafter succeeds, by operation of law, to the powers and duties of any such officer, position or authority shall be deemed included in the applicable official designation while having such powers and duties.*

*(g) Authentication. No Series 2009 Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the proceedings authorizing the Series 2009 Revenue Bonds unless and until the certificate of authentication printed on that Series 2009 Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Series 2009 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the proceedings authorizing the Series 2009 Revenue Bonds. The certificate of authentication may be signed by any authorized officer or*

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*employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the County Auditor on behalf of the County. The same person need not sign the certificate of authentication on all of the Series 2009 Revenue Bonds.*

*Section 5. Award and Sale of Series 2009 Revenue Bonds. The Series 2009 Revenue Bonds are hereby awarded and sold to the Federal Government, on the terms provided for herein, and the Auditor is hereby authorized and directed to deliver the Series 2009 Revenue Bonds and take all actions in connection therewith. Any member of this Board, the Auditor, the Treasurer, the Prosecutor, the Assistant Prosecutor, the Clerk and other County officials, as appropriate, each are 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. In connection with the issuance of the Bonds herein authorized, the legal services of the law firm of Squire, Sanders & Dempsey L.L.P. are hereby retained to act as bond counsel to this County.*

*Section 6. Registration; Transfer and Exchange; Lost, Stolen or Destroyed Bonds.*

*(a) Register and Bond Registrar. So long as any of the Series 2009 Revenue Bonds remain outstanding, the County will cause to be maintained and kept, at the office of the Auditor or such other place as may be designated by the Board, the Bond Register and the Auditor shall act as the Bond Registrar for the Series 2009 Revenue Bonds; provided, however, that in lieu thereof, the Auditor is hereby authorized to enter into an agreement with a financial institution to perform the duties of the Bond Registrar and the Bond Register may be kept at another office designated by that Bond Registrar. In that event, provision shall be made to provide for the payment of services rendered, together with the reimbursement of expenses, pursuant to an agreement with the Bond Registrar and from funds lawfully available and appropriated or to be appropriated for that purpose. In the event that the Auditor does not initially serve as Bond Registrar and another person is selected to serve as Bond Registrar, the Board shall make that selection prior to the execution and delivery of the Series 2009 Revenue Bonds.*

*(b) Transfer and Exchange. Any Series 2009 Bond may be exchanged for Series 2009 Revenue Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond 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 Bond Registrar. A Series 2009 Bond may be transferred only on the Bond Register upon presentation and surrender of the Series 2009 Bond at the office of the Bond 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 Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Series 2009 Bond or Series 2009 Revenue Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Series 2009 Bond 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 Bond Registrar shall undertake the exchange or transfer of Series 2009 Revenue Bonds only after the new Series 2009 Revenue Bonds are signed by the authorized officers of the County. In all cases of Series 2009 Revenue Bonds exchanged or transferred, the County shall sign and the Bond Registrar shall authenticate and deliver Series 2009 Revenue Bonds in accordance with the provisions of the proceedings authorizing the Series 2009 Revenue Bonds. The exchange or transfer shall be without charge to the owner, except that the County and Bond 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 Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Series 2009 Revenue Bonds 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 this Resolution as the Series 2009 Revenue Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Series 2009 Revenue Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Series 2009 Bond selected for redemption, in whole or in part.*

*(c) Lost, Stolen or Destroyed Bonds. If the Registered Holder of any Series 2009 Bond claims that such Series 2009 Bond has been lost, destroyed, or wrongfully taken, the Bond Registrar*

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*is authorized to cause to be executed and delivered a new Series 2009 Bond (hereinafter sometimes referred to as a "replacement bond") of like tenor and effect (specifying on its face, however, that it is issued in place of the original Series 2009 Bond) in place of the original Series 2009 Bond, in accordance with and subject to the provisions of Section 133.93 of the Revised Code, and of this Section. The Registered Holder's notification and request pursuant to Section 133.93 shall be in writing, addressed to the Bond Registrar, and shall include evidence satisfactory to the Bond Registrar, of such lost, destruction, or wrongful taking and of his ownership. The Bond Registrar is authorized to approve, so long as it is satisfactory to such officer, the indemnity bond that the Registered Holder shall file with the Bond Registrar as a condition to the issuance of the replacement bond, and such officer is further authorized to impose other reasonable requirements, including a requirement that the Registered Holder pay the reasonable expenses and charges of the County in connection with the issuance, execution and delivery of such replacement bond, as conditions to the delivery of the replacement bond.*

*Section 7. Security and Pledge. The Series 2009 Revenue Bonds shall be special obligations of the County. The Series 2009 Revenue Bonds and any Additional Bonds issued in accordance with Section 10, together with interest thereon, shall be payable solely from the Net Revenues of the District and the Pledged Funds; provided, however, if otherwise lawful, nothing herein shall be deemed to prohibit the County from using, of its own volition, any of its general resources for the fulfillment of any of the terms and conditions of this Resolution or the Bonds.*

*During the year or years in which any Bonds are outstanding, the County hereby pledges all of the Net Revenues of the District to secure the payment of the Bond Service Charges on the Bonds. Neither the State of Ohio nor the County shall be obligated to pay the principal of or interest on the Bonds from any other funds or source, nor shall the Bonds be a claim on or lien against any property of or under the control of the County except those Net Revenues, the Pledged Funds and the proceeds of the sale of the Bonds or bonds issued pursuant to law to refund Bonds; the lien of the pledge of the Net Revenues and the Pledged Funds shall from this date be valid and binding, the Pledged Funds so pledged and the Net Revenues so pledged and hereafter received shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and such lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County.*

*Nothing in this Resolution or the Bonds shall constitute a general obligation debt or tax-supported bonded indebtedness of the County; the general resources of the County shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the County are or shall be pledged, for the performance of any duty under this Resolution or the Bonds; and the Bonds do not and shall not constitute a debt or a pledge of the faith and credit of the State of Ohio or of any other political subdivision thereof, and the holders thereof shall have no right to have taxes or excises levied by the General Assembly or taxing authority of any political subdivision of the State for the payment of the principal thereof or interest thereon.*

*The pledge of the Net Revenues shall be effective and the money therefrom shall be applied to the purposes for which pledged without necessity of any further act of appropriation.*

*Section 8. Creation of Funds of the District. The Treasurer is hereby directed to create and maintain the following funds, which funds shall be established and maintained, except as otherwise provided, so long as any Bonds remain unpaid:*

- Construction Fund*
- Revenue Fund*
- Bond Service Fund*
- Bond Reserve Fund*
- Replacement and Improvement Fund*

*The **Construction Fund.** The County may establish separate accounts in the Construction Fund for accounting purposes. Money in the Construction Fund shall be disbursed for the purposes of paying the costs of the Project and paying costs of issuance.*

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*The **Revenue Fund.** The Revenue Fund shall be comprised of such account or accounts as the County may establish on its books of record and account for the District to account for the deposit of Revenues required to be deposited in the Revenue Fund and the disbursement of Revenues under this Resolution. So long as any of the Bonds remain outstanding, all Revenues, except for investment income on the Funds of the District other than the Revenue Fund (which investment income shall be credited and deposited as provided below) and money that is paid and deposited directly into the Bond Service Fund, shall be deposited in the Revenue Fund. The money on deposit in the Revenue Fund shall be allocated as provided in Section 9.*

*The **Bond Service Fund** and the **Bond Reserve Fund.** The Bond Service Fund shall be used solely for the payment of Bond Service Charges. The Treasurer shall establish and maintain the Series 2009 Bond Reserve Account within the Bond Reserve Fund, which shall be used solely for the payment of Bond Service Charges on the Series 2009 Revenue Bonds. In the resolution authorizing the issuance of a series of Additional Bonds, the County shall provide for a separate account within the Bond Reserve Fund for that series of Additional Bonds, which shall be used solely for the payment of Bond Service Charges on that series of Additional Bonds. Money in the applicable account in the Bond Reserve Fund shall be paid to the Bond Service Fund, to the extent necessary from time to time, and only after applying to that purpose all money in the Replacement and Improvement Fund, to permit the timely payment of all Bonds secured thereby. If at any time the Treasurer shall have money and investments then on deposit in the Bond Service Fund and the applicable account of the Bond Reserve Fund in an amount sufficient to permit the purchase for cancellation or call for redemption on the next available redemption dates or principal payment dates of any outstanding Bonds secured thereby, without thereby reducing the balance thereafter remaining in the Bond Service Fund and the applicable account of the Bond Reserve Fund below the amount that on such purchase or redemption date would be required, by this Resolution or a resolution authorizing the issuance of the series of Additional Bonds secured thereby, to be on deposit therein with respect to Bonds not to be so purchased or redeemed, the County shall cause such money to be used out of the Bond Service Fund and Bond Reserve Fund in the amounts required, together with any other money provided by the County, to accomplish that purchase or redemption. Until required for such purpose, money in the Bond Service Fund shall, when and as directed by the Treasurer, be invested in accordance with law in investments maturing not later than the interest and principal payment date next following such investment.*

*An account of the Bond Reserve Fund shall be funded in the manner described in Section 9 and, subject to the prior approval of the Federal Government so long as it is the Registered Holder of any Bond secured by that account, shall be used and disbursed only if sufficient funds are not available in the Bond Service Fund or in the Replacement and Improvement Fund for the purpose of making payments of principal of and interest on the Bonds secured thereby. On the fifth business day following the end of each Fiscal Year of the County, money on deposit in an account of the Bond Reserve Fund in excess of the Bond Reserve Requirement of the Bonds secured thereby shall be transferred to the Bond Service Fund and used to pay Bond Service Charges on the Bonds secured thereby on the next ensuing Interest Payment Date.*

*The **Replacement and Improvement Fund.** The Replacement and Improvement Fund shall be comprised of such accounts as the County may establish from time to time on its books of record and account for the District. Money in the Replacement and Improvement Fund shall be paid by the County to the Bond Service Fund, to the extent necessary from time to time to permit the payment of all Bonds payable from the Bond Service Fund without drawing on the Bond Reserve Fund. Otherwise, money in the Replacement and Improvement Fund shall be used (i) for Improvements and other capital projects including the replacement of obsolete or worn out equipment or making other Improvements to the District, (ii) with money in the Bond Service Fund and the Bond Reserve Fund and other money made available by the County, to retire by purchase for cancellation or by call for redemption, all or part of the Bonds from time to time outstanding, (iii) with other available money of the County, to pay the principal of and interest and redemption premium on Other District Indebtedness, or (iv) for any other lawful purpose of the District.*

*The Treasurer shall be custodian of the funds created under this Section and such funds shall be deposited in a bank that is eligible as a public depository under Section 135.32 of the Revised Code. All money in excess of \$50,000 in any of the funds created under this Section shall be secured by the depository bank in advance in accordance with United States Treasury Department Circular No. 176. The Treasurer of the Board shall, so long as any Series 2009 Revenue Bonds are outstanding, obtain and keep in force a fidelity bond in such amount as may be required by the Federal Government. If the Federal Government is the Registered Holder of any*

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*Bond, the fidelity bond shall be with a surety company approved by the Federal Government, and the District and the Federal Government shall be named as co-obligees in such fidelity bond and the amount thereof shall not be reduced without the prior written consent of the Federal Government.*

*The Funds created under this Section shall be maintained in the custody of the Treasurer as trust accounts separate and distinct from all other funds of the County. The funds created under this Section may be invested in accordance with law. Interest on any money or investments in any fund created under this Section shall be credited to that fund containing the money or investments on which the interest was earned.*

*Any Series 2009 Revenue Bonds purchased for cancellation shall be purchased at a price not exceeding the lesser of their face amount or fair market value.*

*The Auditor or the Director of the Department of Water Resources is hereby directed to take such actions as may be necessary in order to prepay the Outstanding Obligation as soon as possible after the issuance of the Series 2009 Revenue Bonds, including the delivery of any notice (unless waived by that holder) to the holder of that Outstanding Obligation as contemplated in the resolution which authorized the Outstanding Obligation.*

*Section 9. Deposits to and Application of Pledged Funds. So long as any Bonds remain outstanding, all Revenues from the operation of the District, as now constituted or hereafter improved or extended, shall be transferred to or deposited in the Revenue Fund. Out of the Revenue Fund, and after reserving therein at all times an amount equal to the Operating Reserve, the following payments only shall be made and in the following order:*

*First: All reasonable and proper expenses of operating and maintaining the District and all its appurtenances, such expenses to exclude depreciation and capital replacements;*

*Second: Monthly on the 10th day of each month into the Bond Service Fund; (a) 1/12 of the amount necessary to provide for the payment of the interest due on the next ensuing Interest Payment Date upon the outstanding principal balance of the Bonds; and (b) 1/12 of the amount necessary to provide for payment of the next ensuing principal maturity of all Bonds outstanding;*

*Third: Monthly, as aforesaid, such sum in addition to any of the foregoing allocations as may be necessary and available, after meeting the requirements of Paragraphs First and Second hereof, to make up any previous deficiency in any such monthly allocation;*

*Fourth: Monthly, on the 15th day of every month, commencing on the 15th day of the month immediately following the month of the Closing Date (or such other date agreed to by the Auditor and the Registered Holder), after making the allocations required by Paragraphs First to Third hereof, into the Series 2009 Bond Reserve Account of the Bond Reserve Fund the amount of \$329.49, or such lesser amount as may then be required, until there is accumulated in that Account a balance equal to the Bond Reserve Requirement for the Series 2009 Revenue Bonds, after which no further deposits need be made therein except to replace withdrawals. Whenever disbursements are made from the Series 2009 Bond Reserve Account of the Bond Reserve Fund, in accordance with this Section 9, the monthly payments in the amount of \$329.49 shall be resumed as necessary until there is again accumulated in that Account the Bond Reserve Requirement for the Series 2009 Revenue Bonds, at which time the payments may again be discontinued. In the event of the issuance of a series of Additional Bonds, there shall be paid monthly into an account within the Bond Reserve Fund for which provision is made in the resolution authorizing the issuance of that series of Additional Bonds, commencing with the first monthly deposit date after the issuance of that series of Additional Bonds, such monthly amounts for which provision is made in such resolution, but in any event not less than the amount required to achieve, not later than the 120th calendar month following the calendar month in which that series of Additional Bonds is issued, a balance in such account allocable to that series of Additional Bonds equal to the Bond Reserve Requirement for that series of Additional Bonds. Whenever disbursements are made from an account of the Bond Reserve Fund securing a series of Additional Bonds, the monthly payments provided for herein shall be resumed until there is again accumulated in that account a balance equal to the Bond Reserve Requirement for the series of Additional Bonds secured thereby, at which time the payments may again be discontinued;*

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*Fifth: Annually on January 15, commencing in the year after the date of adoption of this Resolution, the Revenues available in the Revenue Fund, at the end of the preceding calendar year, after making the payments required by Paragraphs First to Fourth hereof, and after reserving therein an amount equal to the Operating Reserve and to provide necessary accruals against the current requirements of Paragraphs Second to Fourth, shall be transferred to the Replacement and Improvement Fund.*

*Section 10. Additional Bonds. The County shall have the right from time to time to issue Additional Bonds for the purpose of providing additional funds, if necessary, for the purpose only of making Improvements to the District, which Additional Bonds shall be payable from the Bond Service Fund and be secured by a lien upon the Net Revenues on a parity with the Series 2009 Revenue Bonds; provided, that, when any such Additional Bonds are issued, the County shall have furnished the following certifications:*

*(a) Certificate of the Auditor and the County Prosecutor, or some other attorney designated by this Board, certifying that, to the best of their knowledge, the County is not, on the date of issuance of such Additional Bonds, in default in the performance of any of its covenants provided in this Resolution, or in the Series 2009 Revenue Bonds; and*

*(b) Certificate of an independent engineer showing that (i) such Additional Bonds are necessary to provide Improvements to the District which are reasonably necessary for the proper and economical operation of the District or for meeting existing or prospective demands for its services, or both; and (ii) the Net Revenues, during each of the two Fiscal Years immediately preceding the year of adoption of the resolution of this Board authorizing the issuance of Additional Bonds, adjusted to reflect, if necessary, rates, charges and rentals of the District approved by this Board before the effective date of that resolution, plus the independent engineer's estimate of the increase in annual Revenues anticipated to be derived from Improvements or completions of Improvements to be financed by the Additional Bonds (when issued for that purpose), less the independent engineer's estimate of any additional annual Operating Expenses resulting from those Improvements, both such estimates of Revenues and Operating Expenses to be averaged over the 24 months following the estimated completion date of such Improvements, will aggregate in amount not less than 120% of the highest amount required to be paid by the County from Net Revenues into the Bond Service Fund in any succeeding Fiscal Year to meet Bond Service Charge requirements of all Bonds to be outstanding immediately after the issuance of the Additional Bonds; provided, however, that this limitation may be waived or modified by resolution of this Board and with the written consent of the Registered Holders of not less than 75% of the aggregate principal amount of outstanding Series 2009 Revenue Bonds (excluding Series 2009 Revenue Bonds held or owned by the County).*

*The proceeds of any sale of Additional Bonds shall be allocated in substantially the same manner as provided in this Resolution with respect to the Series 2009 Revenue Bonds and, if necessary, a Construction Fund, with accounts therein, if necessary, for such proceeds shall be created in connection with each issue of Additional Bonds and shall be applied to the purpose set forth in the applicable certificate of the independent engineer to defray costs and expenses incidental thereto or incidental to the sale or issuance of the Additional Bonds. Junior or subordinate bonds may be issued without limitation.*

*The Additional Bonds shall bear such designation as may be necessary to distinguish them from the Series 2009 Revenue Bonds or other Additional Bonds having different provisions and shall have maturities, interest rates, interest payments dates, redemption provisions, denominations and other provisions as provided in this Resolution or in the resolution(s) hereafter adopted providing for issuance of the Additional Bonds, provided, however, that such terms and provisions shall not be inconsistent with this Resolution, or the then outstanding Bonds.*

*Additional Bonds shall not be redeemable earlier than the first redemption date for the Series 2009 Revenue Bonds unless all the Series 2009 Revenue Bonds (excluding Series 2009 Revenue Bonds held or owned by the County) are held by the Federal Government and the Federal Government consents thereto.*

*Section 11. Rates and Charges. The rates and charges for all services and facilities rendered by the District shall be reasonable and just, taking into consideration the costs and value of the District and cost of maintaining, repairing and operating the same and the amounts*



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*necessary for the retirement of the Bonds and there shall be charged such rates and charges as shall be adequate to meet the requirements of this Section and Section 7.*

*Subject to the provisions of Section 12, the County, by issuance of the Series 2009 Revenue Bonds, covenants with the Registered Holders of the Bonds that: (a) it will at all times prescribe and charge such rates and charges for the services of the District, and will so restrict operation and maintenance expenses of the District, as shall result in Revenues at least adequate, after meeting such operation and maintenance expenses to provide for (i) the payments required by this Resolution to be made into the Pledged Funds, (ii) proper improvement and replacement reserves, and (iii) sufficient earnings coverage to permit the issuance of any Additional Bonds required for the construction of necessary or advisable Improvements; (b) it will segregate the Revenues, funds and properties of the District from all other revenues, funds and properties of the County; and (c) it will observe and perform all its agreements and obligations provided for by the Bonds or this Resolution. All of the obligations set forth and covenants made under this Section and Section 12 are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the County within the meaning of Section 2731.01 of the Revised Code.*

*Section 12. Additional Covenants of the County. The County hereby further covenants and agrees, so long as the Bonds remain unpaid, as follows:*

*(a) It shall comply with applicable State laws and the regulations and continually operate and maintain the District in good condition.*

*(b) No customer of the District, whether an individual, corporation, political subdivision or other entity, shall receive free services or any services without being charged the applicable rates prescribed in the rules and regulations of the District.*

*(c) It shall maintain complete books and records relating to the operation of the District and its financial affairs and shall cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and shall furnish the Federal Government, so long as it is the Registered Holder of any Bond, without request, a copy of each audit report and shall furnish any other Registered Holder of Bonds a copy of such report upon written request. At all reasonable times the Federal Government, so long as it is the Registered Holder of any Bond, shall have the right to inspect the District and the records, accounts, and data relating thereto and the County shall assist the Federal Government in such inspection by preparing such documents and reports as the Federal Government shall reasonably require.*

*(d) It shall maintain such insurance coverage as may be reasonably required by the Federal Government so long as the Federal Government is the Registered Holder of any Bond.*

*(e) It shall not borrow any money from any source, enter into any contract or agreement, or incur any other liabilities, in connection with making Improvements other than normal maintenance and repair of the District, without obtaining the prior written consent of the Federal Government so long as it is the Registered Holder of any Bond; neither shall it transfer or use any portion of the Revenues derived in the operation of the District for any purpose not herein specifically authorized.*

*(f) The Pledged Funds shall be applied to all parity Bonds issued pursuant to this Resolution as if said Bonds were part of the original Series 2009 Revenue Bond issue except that money in the Series 2009 Bond Reserve Account in the Bond Reserve Fund shall only be applied to the Series 2009 Revenue Bonds and money in other accounts within the Bond Reserve Fund provided for in resolutions authorizing the issuance of Additional Bonds shall only be applied to the Additional Bonds for which the account was created. All revenue from any Improvements constructed by the proceeds of a parity issue of Additional Bonds shall be deposited in the Revenue Fund created by this Resolution. This provision shall be controlling over any provisions of this Resolution to the contrary.*

*(g) So long as the Federal Government is the Registered Holder of any Bond, it shall not dispose of or transfer its title to the District or any part thereof, including lands and interests in land, by sale, mortgage, lease or other encumbrances, except as may be approved by the Federal Government.*



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*(h) Except as otherwise specifically provided, so long as any Series 2009 Revenue Bonds are outstanding, no Additional Bonds or Other District Indebtedness pledging any portion of the Net Revenues shall be incurred or issued by the County unless the same shall be junior and subordinate in all respects to the Series 2009 Revenue Bonds.*

*(i) Prior to the beginning of each Fiscal Year the County shall prepare an annual budget of the District for the ensuing fiscal year. Such budget shall be itemized on the basis of monthly requirements and a copy shall be mailed, without request, to the Federal Government as long as it is the Registered Holder of any Bond and upon written request of any other Registered Holder of Bonds.*

*(j) The provisions of this Resolution shall constitute a contract between the County and the Registered Holders of the Bonds and, after the issuance of the Series 2009 Revenue Bonds, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights and interests of the Registered Holders and neither shall this Board adopt any law or resolution in any way adversely affecting the rights of the Registered Holders so long as the Bonds or interest thereon remains unpaid.*

*(k) So long as the Federal Government is the Registered Holder of any Bond, if at any time it shall appear to the Federal Government that the County is able to refund, upon call for redemption or with consent of the Federal Government, the then outstanding Bonds held by the Federal Government, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the County shall, upon request of the Federal Government, apply for and accept such loan in sufficient amount to refund the designated Bonds, and thereby to repay the Federal Government, and shall take all such action as may be reasonably required in connection with such loans.*

Section 13. Federal Tax Considerations. *The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2009 Revenue Bonds in such manner and to such extent as may be necessary so that (a) the Series 2009 Revenue Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of 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 Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Series 2009 Revenue Bonds, 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 Series 2009 Revenue Bonds as the County is permitted 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 Series 2009 Revenue Bonds 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 or 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 Series 2009 Revenue Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Series 2009 Revenue Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Series 2009 Revenue Bonds, 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 Series 2009 Revenue Bonds.*

*Each covenant made in this section with respect to the Series 2009 Revenue Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Series 2009 Revenue Bonds (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 Series 2009 Revenue Bonds 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 Series 2009 Revenue Bonds.*

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Section 14. Appointment of Receiver. *If the County shall fail to perform any of the requirements or covenants contained in this Resolution or in the payment of principal or interest of any Bonds, upon the filing of a suit by any Registered Holder of a Bond, any court having jurisdiction of the action may appoint a receiver to administer said District on behalf of the County with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of Operating Expenses, and to apply income and Revenues in accordance with this Resolution and laws of the State of Ohio.*

*The County hereby agrees to transfer to any bona fide receiver or other subsequent operator of the District, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the Bonds, all contracts and other rights of the County with respect to the Bonds, conditionally, for such time only as such receiver or operator shall operate by authority of the court.*

*In the event of default, 20% of the Registered Holders of the Bonds may require, by mandatory injunction, the County to raise the rates of the District by a reasonable amount.*

Section 15. Governing Law. *The provisions of this Resolution are subject to the laws of the State of Ohio and to the present and future regulations of the Federal Government not inconsistent with the express provisions hereof so long as it is the Registered Holder of any Bond.*

Section 16. Severability. *Each section of this Resolution and each subdivision or any section thereof is hereby declared to be independent and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Resolution.*

Section 17. Compliance with Loan Resolution. *As long as the Federal Government is the Registered Holder of any Bond, this Resolution shall be subject, to the extent permitted by and not in conflict with the Constitution and laws of the State of Ohio, and to the Loan Resolution.*

Section 18. Certification and Delivery of Resolution. *The Clerk of this Board is directed to deliver a certified copy of this Resolution to the County Auditor.*

Section 19. Satisfaction of Conditions Precedent. *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 Bonds in order to make them legal, valid and binding general obligations of the County of Geauga have been performed and have been met, or will at the time of delivery of the Bonds 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 9) of the County are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.*

Section 20. Compliance with Open Meeting Requirements. *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.*

Section 21. Effective Date. *This Resolution shall be in full force and effect from and immediately after its adoption.*

Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – REVOLVING LOAN FUND  
REVIEW REPORT – TROY INNOVATIVE INSTRUMENTS INCORPORATED**

*Director Anita Stocker explained that the company has picked up another line and additional customers. Commissioner Jemison stated that this is a turnaround because in January business was not so good and they were laying people off, now they are hiring them back. This is great news. The loan review report is part of the notification process and is not binding yet.*

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*Motion:* by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the Ohio Department of Development, Office of Housing and Community Partnerships, CDBG Revolving Loan Fund Loan Review Report Form for Troy Innovative Instruments, Incorporated, in the amount of \$85,000.00.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – CERTIFICATION OF DETERMINATION CATEGORICAL EXCLUSION – TROY INNOVATIVE INSTRUMENTS**

*Motion:* by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project under the Revolving Loan Fund Program Income activity for Troy Innovative Instruments, Incorporated.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – LETTER OF COMMITMENT – TROY INNOVATIVE INSTRUMENTS**

*Motion:* by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the Letter of Commitment for Tom Cseplo, CEO, Troy Innovative Instruments, Incorporated for the purchase of machinery and equipment for the facility located at 15111 White Road, Berkshire Industrial Parkway, Burton Township, by lending \$85,000.00 in Revolving Loan Funds for a period of five years (60 months) at a fixed interest rate of three percent (3.0%), upon the recommendation of the Revolving Loan Fund Committee.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – CERTIFICATE OF DETERMINATION CATEGORICAL EXCLUSION PROJECTS**

*Motion:* by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project under the Revolving Loan Fund Program Income activity for the following proposed projects: EEI, Incorporated, National Polymer, NC Electronics, and Kimco.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**DEPARTMENT ON AGING – SUPPLEMENTAL FUNDING AGREEMENT – WESTERN RESERVE AREA AGENCY ON AGING**

*Director Sally Bell explained that this is an expansion at no cost to the department although it did not create any jobs for the Department on Aging, it may have created jobs for the food manufacturers. In the past the department has purchased shelf stable food for homebound citizens in case of, for example, snow storms or the driver could make it out on a particular day. They are now able to include those citizens who regularly come to the senior centers also with three shelf stable meals due to the ARRA funding. This is only for this year.*

*Motion:* by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute a Supplemental Funding Agreement with Western Reserve Area Agency on Aging for the 2009 American Recovery and Reinvestment Act, (ARRA) Supplemental Nutrition Award Attachment A for emergency shelf stable food for the homebound and participants

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*of the congregate meal programs at all five senior centers of the Department on Aging to begin October 2009, in the shelf stable food value of \$20,615.00.*

Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

**DEPARTMENT ON AGING – OUTSTANDING SENIOR CITIZEN OF THE YEAR**  
**RESOLUTION - SHARON BURGER**

*Ms. Bell stated that Ms. Burger is a twenty-five year county employee. Ms. Bell added that Ms. Burger has never had a case where she could not assist – she always found resources within the community to help someone.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-149 Honoring Sharon Burger as the 2009 Outstanding Senior Citizen of the Year.*

Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

**DEPARTMENT ON AGING – ROSE MOTLEY SENIOR ADVOCATE OF THE YEAR - SHERIFF**  
**DAN MCCLELLAND**

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to recognize Sheriff Dan McClelland as the recipient of the 2009 Geauga County Annual Rose Motley Senior Advocate of the Year Award.*

Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

**DEPARTMENT ON AGING – OUTSTANDING SENIOR SUPPORTERS OF THE YEAR 2009**

*Ms. Bell explained how the following were selected as Outstanding Senior Supporters. They are individuals, corporations, organizations or leadership in the Department on Aging senior center that go beyond the call of duty in addressing senior citizens. It may be in the nature of their work but these all have gone beyond that. Ms. Bell explained and honored all of them: WRAAA – Ms. Bell stated that it would be impossible for the department to exist without the support of WRAAA; OSHIIP- has provided support addressing the health insurance concerns and a phenomenal job at training the staff of the department; Gene Schultz- willingness to go to the farm market to purchase fresh produce for the farm market program for homebound seniors; Ron West- for his donation of time by driving home delivered meals and his donation of ice cream to the blueberry festival; Senior Adult Assessment – University Hospital Extended Care Campus brought back the senior assessment program which allows the seniors and family to make informed decisions concerning their health; Senior Line Dancers, Dorothy Busse and Dorothy Churchill – for committed leadership and positive attitude toward aging; West Geauga Bridge Leaders, Ruth Scharlotte and Ann Tanner- took the time to teach people interested in learning bridge; Middlefield Chair Volleyball Teams- for their positive attitude toward aging through their willingness to teach the game at various assisted living communities and senior centers.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to recognize the following Geauga Outstanding Senior Supporters of the Year for 2009:*

*Gene Schultz                      Middlefield Chair Volleyball Teams                      Ron West  
Senior Adult Assessment   Ohio Seniors Health Insurance Information Program(OSHIIP)  
Western Reserve Area Agency on Aging (WRAAA)  
Senior Line Dancers Leaders, Dorothy Busse and Dorothy Churchill  
West Geauga Bridge Leaders, Ruth Scharlotte and Ann Tanner*

Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

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**MENTAL HEALTH AND RECOVERY SERVICES – RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX**

*James Adams, Director of Geauga County Board of Mental Health & Recovery Services stated that they did receive most of the allocations and it is almost at one million dollar loss from last years funding.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-150 Declaring It Necessary to Levy a Tax in Excess of the Ten Mill Limitation and Requesting Certification of the County Auditor of the Dollar Amount Generated at the Request of the Geauga County Board of Mental Health and Recovery Services, as Authorized by O.R.C. 5705.03, .19, .191, .221, .25 and .26.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: August 13, 2009*

*Resolution: 09-150*

**RESOLUTION NO. 09-150**

***A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION AND REQUESTING CERTIFICATION OF THE COUNTY AUDITOR OF THE DOLLAR AMOUNT GENERATED AT THE REQUEST OF THE GEAUGA COUNTY BOARD OF MENTAL HEALTH AND RECOVERY SERVICES, AS AUTHORIZED BY O.R.C. 5705.03, .19, .191, .221, .25 and .26***

*The Board of County Commissioners of the County of Geauga, State of Ohio, met in regular session on the 13<sup>th</sup> day of August 2009, commencing at 10:00 o'clock a.m. at the Commissioners' Chambers, 470 Center Street, Building #4, Chardon, Ohio, 44024, with the following members present:*

*Tracy A. Jemison*

*Mary E. Samide*

*William S. Young*

*The Clerk advised the Board of County Commissioners that the notice requirements of R.C. 121.22 and the implementing rules adopted by the Board thereto were complied with for the meeting.*

*Commissioner Jemison moved for the adoption of the following resolution:*

*WHEREAS, the Board of County Commissioners has determined that it is necessary to levy a tax outside the ten-mill limitation for the requirements of the Geauga County Board of Mental Health and Recovery Services fna Geauga Community Board of Mental Health, Alcohol and Drug Addiction Services established pursuant to Chapter 340 of the Ohio Revised Code.*

*NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Geauga, State of Ohio, hereby certifies to the Geauga County Auditor this resolution requesting that the County Auditor certify to the Board of County Commissioners the total*

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*current tax valuation of the Geauga County and the dollar amount of revenue that would be generated by a replacement levy of seven tenths (.70) mills.*

*BE IT FURTHER RESOLVED, by the Board of County Commissioners of Geauga County, Ohio, two-thirds of all members elected thereto concurring, that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of the Geauga County Board of Mental Health and Recovery Services for the purpose of providing the Geauga County Board of Mental Health and Recovery Services with sufficient funds for the operation of alcohol, drug addiction and mental health and recovery programs and acquisition, construction, renovation, financing, maintenance, and operation of alcohol, drug addiction and mental health and recovery facilities at a rate not exceeding seven tenths (.70) mills for each one dollar (\$1.00) of valuation, which amounts to seven cents (\$0.07) for each one hundred dollars (\$100.00) of valuation, for a period of five (5) years and which levy is a replacement of all of an existing levy for said amount.*

*BE IT FURTHER RESOLVED that said levy shall be for a period of five (5) years and this levy is a replacement levy of seven tenths (.70) mills to be placed upon the tax year 2010 if a majority of the electors voting thereon vote in favor thereof at the general election to be held on November 3, 2009.*

*Commissioner Samide seconded the motion.*

*Upon roll call on the adoption of the resolution, the vote was as follows:*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

**COMMISSIONERS' OFFICE – SIGNATURE AND NO LITIGATION CERTIFICATE AND NOTE – SAFETY CENTER IMPROVEMENT NOTES, SERIES 2009**

*Commissioner Jemison reported the notes were at 1.5% with repo. The notes were at 1.71% last year, and there was only one bidder this year, so John Conner (Fiscal Consulting Services) did his work. Commissioner Jemison added that the decision the Board made to slow down the debt repayment for this year was a good one.*

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the Signature and No-Litigation Certificate in connection with the Safety Center Improvement Notes, Series 2009 in the amount of \$3,000,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

*Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the Safety Center Improvement Notes, Series 2009 in the amount of \$3,000,000.00.*

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

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**OTHER**

*Commissioners' Clerk Claudine Kozenko reviewed a few upcoming events with the Board. The Board reviewed their calendars. The Board mentioned that there is a new electric provider vendor.*

**ACKNOWLEDGEMENTS**

- a) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the inmate meals for the month ending July 2009.*
- b) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending August 5, 2009 as required by O.R.C. 955.12.*

**MEETINGS**

*Fri., 8/14      NOACA*

*Fri., 8/14      Community and Economic Development and CIC's Lunch and Learn – How to Perform a Patent Search at Building #8 at noon.*

*Fri., 8/14      NOACA*

*Mon., 8/17      Board of Revision meeting at the Auditor's Conference Room at 9:30 a.m.*

*Mon., 8/17      Family First at 2:00 p.m.*

*Tue., 8/18      The Commissioners will hold regular session.*

*Thu., 8/20      CCAO/CEAO-OSU Extension meeting at the Galaxy Banquet Center in Wadsworth*

*Thu., 8/20      **The Regularly scheduled Commissioners' meeting is cancelled.***

*Tue., 8/25      The Commissioners will hold regular session.*

*Thu., 8/27      The Commissioners will hold regular session.*

*Tue., 9/1      Public Hearing for the CY 2010 ODOT Operating Grant Proposal and the CY 2010 ODOT Capital Grant Proposal to be held at 10:30 a.m.*

**BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER YOUNG ADJOURNED THE MEETING AT 10:59 A.M.**

*Gauga County Board of Commissioners*

\_\_\_\_\_  
*Tracy A. Jemison*

\_\_\_\_\_  
*Mary E. Samide*

\_\_\_\_\_  
*William S. Young*

\_\_\_\_\_  
*Claudine Kozenko, Commissioners' Clerk*