

RESOLUTION NO. 009-20

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 15th day of January 2020, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice-President

Claire B. Corcoran, Member

Mr. Humphrey moved for the adoption of the following Resolution:

RESOLUTION ACCEPTING RECOMMENDATION OF CLERMONT COUNTY SANITARY ENGINEER TERMINATING PERFORMANCE BOND AND ACTIVATING MAINTENANCE BOND OF COMBINED PERFORMANCE AND MAINTENANCE BOND DOCUMENTS FOR MADINGLEY FALLS SUBDIVISION, SECTION 1A, IN MIAMI TOWNSHIP.

WHEREAS, the Board has previously by Resolution dated July 10, 2019 as appears in Commissioners' Journal 316, accepted a Combined Performance and Maintenance Bond of M/I Homes of Cincinnati, LLC, as principal and Capitol Indemnity Corporation as sureties for the installation of sanitary sewer and related improvements of Madingley Falls Subdivision, Section 1A; and

WHEREAS, the Clermont County Water Resources Department has inspected the sanitary sewer and related improvements, and approves they have been constructed according to the plans and specifications previously approved; and

WHEREAS, the Combined Performance and Maintenance Bond by its own terms requires a conversion to a Maintenance Bond for a period of one year to insure that the above reference principal maintain the improvements in accordance with the Clermont County Water Resources Department Rules and Regulations of Clermont County, Ohio.

NOW, THEREFORE, BE IT RESOLVED, by the Clermont County Commissioners that;

1. That the performance provisions of the above referenced bond have been completed and the bond is released as to the performance aspects. The surety represented by Capitol Indemnity Corporation shall continue as surety for the maintenance aspects of the bond.
2. That the Maintenance Bond provisions of the Combined Performance and Maintenance Bonds are hereby effective and activated and that the said principal and sureties shall remain firmly bound to Clermont County, Ohio in the penal sum of \$15,500.00 as previously provided and shall continue to be so responsible for a period of one year of use from the date of this conversion during which period the Maintenance Bond shall remain in full force and effect upon the terms previously specified in said Bond.
3. That the Clerk shall certify this Resolution to the Clermont County Sanitary Engineer who shall notify the principal and sureties of this conversion of the bond pursuant to its terms.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board and of its Committees, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mrs. Corcoran
Mr. Corcoran seconded the motion and on roll call, the vote resulted as follows:

Mr. Painter	<u>yes</u>
Mr. Humphrey	<u>aye</u>
Mrs. Corcoran	<u>yes</u>

This Resolution was duly passed on the 15th day of September, 2020.

Moved by Mr(s). Corcoran, seconded by Mr(s). Humphrey

Recommendation that the Board of County Commissioners adopt Resolution Number 018-20 resolving to approve payment to vendors in the Revised Total Amount of \$3,851,549.71 as set forth in the BCC Approval Invoice Report for Checks Dated January 15, 2020, BCC Directed Pre-Paid Invoices Report(s) and/or the Procurement Card Transaction Report as presented by the County Auditor on 1/14/2020, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David L. Painter,	<u>YES</u>
Edwin H. Humphrey,	<u>AYE</u>
Claire B. Corcoran,	<u>YES</u>

Date Adopted: January 19, 2020

David L. Painter
David L. Painter, President

Edwin H. Humphrey
Edwin H. Humphrey, Vice-President

Claire B. Corcoran
Claire B. Corcoran, Member

OR

Thomas J. Eigel, County Administrator

Moved by Mr(s). Corcoran, seconded by Mr(s). Painter

Recommendation that the Board of County Commissioners adopt Resolution Number 011-20 resolving to approve payment to vendor(s) included on the BCC Approval Invoice Report For Checks Dated January 15, 2020 presented by the County Auditor 1/14/2020 reflected on the Vendor Excerpt Report prepared by OMB, in the amount of \$144.16, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David L. Painter,	<u>YES</u>
Edwin H. Humphrey,	<u>Abstain</u>
Claire B. Corcoran,	<u>YES</u>

Date Adopted: January 15, 2020

David L. Painter
David L. Painter, President

Abstain
Edwin H. Humphrey, Vice-President

Claire B. Corcoran
Claire B. Corcoran, Member

OR

Thomas J. Eigel, County Administrator

15th The Board of County Commissioners of Clermont County, Ohio, met in Regular Session on the day of January, 2020, at its regular place of meeting, with the following members present:

Mr. Yumprey introduced the following Resolution and moved its passage:

RESOLUTION NUMBER 012 -20

RESOLUTION DETERMINING TO PROCEED WITH THE CONSTRUCTION, OPERATION AND MAINTENANCE OF PROJECT NUMBERS 6402-60116 AND 6402-60117 IDENTIFIED AS THE NEWTONSVILLE COLLECTION SYSTEM ASSESSMENT PROJECT AND THE NEWTONSVILLE WASTEWATER TREATMENT PLANT PROJECT, RESPECTIVELY, LOCATED WITHIN WAYNE TOWNSHIP, AS MORE FULLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B", WITHIN THE COUNTY WASTEWATER SYSTEM IN THE CLERMONT COUNTY WATER RESOURCES DEPARTMENT, CLERMONT COUNTY, OHIO

WHEREAS, pursuant to the adoption of Resolution Number 165-19 on October 23, 2019, by the Board of County Commissioners, which declared the necessity to construct said Wastewater Improvements identified as Project Numbers 6402-60116 and 6402-60117 relative to the Newtonsville Collection System Assessment Project and the Newtonsville Wastewater Treatment Plant Project, located in Wayne Township, as described in the attached Exhibit "A", within the County Wastewater System in the Clermont County Water Resources Department; and

WHEREAS, the Ohio Environmental Protection Agency issued a Director's Final Finding and Orders on November 22, 2019, establishing that a public health nuisance exists, pursuant to Ohio Administrative Code Rule, 3745-1-04 (F), within the area defined as the former Village of Newtonsville and the surrounding adjacent area within Wayne Township, and further directed the Board of County Commissioners to address the public health and water quality concerns from failing home sewage systems by constructing, maintaining and operating a sanitary sewer treatment system for said area; and

WHEREAS, the Board of County Commissioners held a Public Hearing on December 3, 2019, to allow property owners the opportunity to express support and/or objections to the construction of said Wastewater Improvements, and whereas three (3) property owners addressed the Board of County Commissioners with comments and/or questions during the Public Hearing, expressing neither support or opposition to the Projects, which comments and/or questions have been addressed accordingly, and three (3) comments or responses were received from property owners following the five (5) day period after the Public Hearing, one expressing support, one opposition, and one advising their four (4) properties had been combined into one (1) parcel and their adjacent neighbor's three (3) properties had been combined into one (1) parcel; and

WHEREAS, this Board, wishing to fully consider all endorsements and/or objections which were verbally made at said Public Hearing, or submitted in writing within the required five (5) days after the date of said hearing, directed the Sanitary Engineer to review, analyze and report on said objections, if any; and

WHEREAS, the front footage for one benefited property parcel was reduced to the minimum 100 foot assessed frontage due to a portion of the property containing a cemetery, with that portion of land not considered a buildable property parcel for future development, and the County Wastewater Resources Department will contribute the difference of the prior calculated Basic Benefit Assessment cost for said parcel in the additional County contribution, as outlined in the revised tentative assessment roll identified as Exhibit "B"; attached hereto and made a part hereof; and

WHEREAS, the Basic Benefit Assessment amount per benefited front footage was reduced from \$201.45 per front foot to \$200.75 per front foot, with the total revised assessable Basic Benefit Assessment cost estimated at \$4,218,000.00 against benefited property abutting on the Wastewater System Improvements and the County shall increase its Basic Benefit contribution amount from \$2,639,010.00 to \$2,653,750.00 as an additional contribution to offset the Basic Benefit Assessment cost for the benefited property owners as outlined in Exhibit "B"; and

WHEREAS, the Director of Utilities/Sanitary Engineer is recommending that the Board of County Commissioners of Clermont County, Ohio, determine to proceed with the Projects for the preservation and promotion of the public health and welfare as presented in the detailed plans and specifications, the revised estimates of cost and financing, and the revised tentative assessment roll as outlined herein, with no change in the total estimated project costs; and

WHEREAS, all the property owners within the project area were notified in writing advising them of the approximate date this Resolution determining to proceed would be considered by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio, with at least two-thirds of its members concurring as follows:

SECTION 1. That the detailed plans and specifications, revised estimates of cost and financing, and revised tentative assessment roll for the Projects, as described in Exhibits "A" and "B", attached hereto and made a part hereof, in said County, are hereby approved, ratified and confirmed.

SECTION 2. That the revised benefit determination for an individual property parcel and correction of Basic Benefit Assessments be approved as reflected in the revised tentative assessment roll identified as Exhibit "B", as hereby approved, ratified, and confirmed.

SECTION 3. That it is hereby determined to proceed with the Projects, in accordance with the detailed plans and specifications, revised estimates of cost and financing, as identified in Exhibit "A", and revised tentative assessment roll, as identified in Exhibit "B", as herein ratified and confirmed, and to provide for the receipt of bids for the Projects pursuant to public advertisement therefore in the manner prescribed by law. As provided in Section 6117.08 of the Ohio Revised Code, no further action in connection with these Projects shall be taken until ten (10) days have elapsed from the date of passage of this Resolution.

SECTION 4. That the entire cost of constructing said Projects, including construction costs, engineering fees, legal and administrative fees, capitalized interest during construction, if any, and all necessary and incidental expenses in connection therewith, is currently estimated at \$12,391,610.00, and shall be paid from the following sources:

- A. The levy and collection of special assessments against benefited property abutting on the wastewater system improvements or the right-of-ways in which they are constructed, identified as a Basic Benefit Assessment based on assessable project costs calculated at \$200.75 per benefited front footage, with a 100' minimum established, with the total assessable project cost currently estimated at \$4,218,000.00, as identified in Exhibit "B", attached hereto and made a part hereof, and/or the proceeds of general obligation bonds or certificates of indebtedness (notes) in anticipation thereof, pursuant to Chapters 6117 and 133 of the Ohio Revised Code, payable from the special assessments certified for collection to the real estate tax bill, and/or any other funds that may be made available. (*Basic Benefit Assessment is being financed with USDA Loan Funds in the maximum amount not to exceed \$4,218,000.000 at a rate of 2.25% interest over a forty (40) year period.*)

- B. A supplemental unit Improvement Assessment of \$3,340.00 (current sewer system capacity charge for single family residential connections) or the appropriate Improvement Assessment amount (current sewer system capacity charge for non-single family connections) based upon the type of structure being connected to the wastewater system and/or the size water meter if connected to a public or private commercial water system for all those improved properties to be immediately connected to the County Wastewater System, at the option of the property owners desiring to have these costs incorporated herein. The estimated Improvement Assessment total for these Projects is \$579,190.00 representing 159 improved property parcels, as identified in Exhibit "B", both single family residential, non-single family, and commercial improvements, and shall be paid for by the benefited property owners to the Clermont County Water Resources at the time a benefited property is connected to the County Wastewater System, with the Clermont County Water Resources Department to contribute the initial Improvement Assessment costs of the Projects.
- C. A supplemental unit Improvement Assessment representing future property improvement connections in the estimated amount of \$313,960.00, paid for by the Clermont County Water Resources Department's Wastewater System Capital Improvement Funds. Future Improvement Assessment connections shall be payable to the Clermont County Water Resources Department by the benefited property owners at the time of connection to the County Wastewater System for the current sewer system capacity charge, in addition to other fees and expenses, for single family residential connections or the appropriate current sewer system capacity charge for non-single family connections based upon the type of structure being connected to the wastewater system and/or the size water meter if connected to a public or private commercial water system, for all those future improved and/or unimproved properties to be connected to the County Wastewater System.
- D. A contribution of the Clermont County Water Resources Department's Wastewater System Capital Improvement Fund in the estimated amount of \$1,626,710.00 representing engineering, legal, administrative and miscellaneous estimated costs relative to said Wastewater Improvements.
- E. A grant from the Ohio Public Works Commission (OPWC) in the amount of \$1,000,000.00 from the State Capital Improvement Program.
- F. A grant from the United States Department of Agricultural in the amount of \$2,000,000.00 from Rural Development funds.
- G. A contribution of the Clermont County Water Resources Department's Wastewater System Capital Improvement Fund up to the estimated amount of \$2,653,750.00 representing an additional contribution to offset the Basic Benefit Assessment cost of said Wastewater Improvements.

SECTION 5. That this Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That a copy of this Resolution be certified to (a) the County Auditor of Clermont County, Ohio, within fifteen (15) days after passage hereof, as provided in Section 319.61 of the Ohio Revised Code, (b) the Clermont County Water Resources Department, and (c) to Locke Lord, LLP.

The motion was seconded by Mr. Mrs Corcoran and, upon call of the roll, the vote was as follows:

Mr. Painter yes ; Mr. Humphrey Aye ; Mrs. Corcoran yes .

PASSED: January 15, 2020.

ATTEST:

Judith Kocica

Judith Kocica, Clerk
Board of County Commissioners
Clermont County, Ohio

APPROVED BY
LOCKE LORD, LLP

By: Todd Cooper
Todd Cooper

Dated: 12-23-19

CERTIFICATE

The undersigned, Clerk of the Board of County Commissioners of Clermont County, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 012 -20 adopted by the Board of County Commissioners of Clermont County, Ohio, on January 15, 2020, and that a copy thereof was certified to the County Auditor, the Clermont County Water Resources Department, and to Locke Lord, LLP.

Judith Kocica

Judith Kocica, Clerk
Board of County Commissioners
Clermont County, Ohio

RECEIPT

The County Auditor of Clermont County, Ohio, hereby acknowledges receipt of the foregoing Resolution Number 012 -20 Determining to Proceed, certified and passed January 15, 2020, by the Board of County Commissioners of said County.

Date: 1/17/2020, 2020

Linda L. Fraley

4 Linda L. Fraley, County Auditor

EXHIBIT "A"

Resolution No. 012-20

Adopted January 15, 2020

**NEWTONSVILLE COLLECTION SYSTEM ASSESSMENT PROJECT NUMBER 6402-60116
NEWTONSVILLE WASTEWATER TREATMENT PLANT PROJECT NUMBER 6402-60117
WAYNE TOWNSHIP**

The Projects are located in Wayne Township and consists of the installation of approximately 17,654 feet of 8" gravity sewer pipe, 79 manholes, 176 service laterals, a lift station, 875 feet of 4" force main, and a 57,000 gpd daily average wastewater treatment plant to serve the residents of the former Village of Newtonsville limits and surrounding adjacent area along SR 131, Wright Street, Cedarville Road, Main Street, Cross Street, Newtonsville Road, Never Rest Lane, Amity Road, Pin Oak Street, Zengrove Lane and Eckman Lane.

Estimated Annual Operation & Maintenance Cost-Collection System.....	\$ 2,500.00 per yr.
Estimated Annual Operation & Maintenance Cost-WWTP.....	\$ 35,000.00 per yr.
Estimated Project Cost- Collection System & WWTP.....	\$12,391,610.00

Source of Funds: Wastewater System Capital Improvement Fund and collection of Special Assessment of benefited properties in the form of a Basic Benefit Assessment (cash payment or certification to tax bill) or General Obligation Bonds or Notes issued in anticipation thereof, United States Department of Agriculture (USDA) loan and grant funds, Ohio Public Works Commission (OPWC) grant funds, and/or any other funds that may be made available to this Project

Wastewater System Contribution.....\$1,626,710.00
(Consists of engineering performance and 100% of legal, admin. & misc. fees)

United States Department of Agriculture (USDA) Grant Funds.....\$2,000,000.00

Ohio Public Works Commission (OPWC) Grant Funds.....\$1,000,000.00

Basic Benefit Assessment.....\$4,218,000.00
(Consists of remaining costs after deducting Wastewater System contribution-includes construction, restoration, bond discount, and contingencies. Financing complies with USDA Agreement for Loan Funds in the maximum amount not to exceed \$4,218,000.000 at a rate of 2.25% interest over a forty (40) year period.)

Additional Wastewater System Contribution.....\$2,653,750.00
(Additional contribution to offset Basic Benefit Assessment)

Improvement Assessment.....\$579,190.00
(System Capacity Charge for Current Connections)

Improvement Assessment-Wastewater System Contribution.....\$313,960.00
(System Capacity Charge for Future Improvement Connections)

Total Estimated Project Costs.....\$12,391,610.00

RESOLUTION NO. 013-20

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 15th day of January, 2020, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice President

Claire B. Corcoran, Member

Mrs. Corcoran

Mr. moved for the adoption of the following Resolution:

**RESOLUTION RECOGNIZING PROGRAMS FOR WHICH COUNTY FUNDS
MAY BE EXPENDED TO PURCHASE LIMITED REFRESHMENTS AND
DECLARING A PUBLIC PURPOSE**

WHEREAS, the Ohio Attorney General has previously determined in Opinion 82-006 that the expenditure of public funds for coffee, meals, refreshments and other related amenities may be undertaken but only pursuant to a legislative decision memorialized by an enacted resolution finding that the expenditure satisfies an appropriate public purpose and is prospective in nature; and

WHEREAS, the State Auditor issued a bulletin indicating that future audits will determine whether or not the above-described procedure has been followed with respect to expenditures for these purposes; and

WHEREAS, the Board has consulted with the Office of the Prosecuting Attorney with respect to the appropriate legislative action in order to preserve the legitimacy of such expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION I

That the Board has reviewed the policies and procedures of the agencies and programs under its direct supervision and control to determine which programs, if any, justify the expenditure of public funds for light refreshments in connection with activities related to that agency or department.

SECTION II

That the attached list of activities broken down by agency or department designated Exhibit A is hereby incorporated herein by reference.

SECTION III

That the Board hereby finds after specific review of the activities specified in Exhibit A, that the special activities as set forth in many cases require meetings that overlap with normal mealtimes or that require public employees and/or private citizens to give of their time for sessions that are in many cases scheduled in conflict with normal mealtimes and that the provision of light refreshments for these activities which further the public interest and the health, safety and welfare of the citizens of Clermont County is an appropriate and necessary public purpose and therefore the activities as set forth in Exhibit A are specifically found to be a legitimate and necessary public purpose and that the provision of light refreshments during these activities is likewise found by the Board to be a legitimate public purpose and the funds specified are hereby appropriated for such use.

SECTION IV

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meetings of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meeting open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Humphrey seconded the motion and on roll call, the vote resulted as follows:

Mr. Painter yes
Mr. Humphrey aye
Ms. Corcoran yes

This Resolution was duly passed on the 15th day of January, 2020.

ATTEST:

Judith Kocica
Judith Kocica, Clerk
Board of County Commissioners

This Resolution was approved as to form
by the Office of the Prosecuting Attorney of
Clermont County, Ohio

By: Allen J. Edwards
Assistant Prosecuting Attorney

Date: 12-16-19

2020 Refreshment Expenses

Exhibit A

Department	Meeting/Training	Amount	Totals
Adams-Clermont Solid Waste District	Board of Directors Meetings	\$ 450.00	
	Policy Committee Meetings	\$ 450.00	\$900.00
Buildings Department	Building Safety Week Luncheon	\$ 250.00	\$250.00
Department of Community and Economic Development	Appalachian Regional Commission (ARC)	\$ 50.00	
	Business Attraction, Retention, and Expansion Meetings	\$ 450.00	
	Capital Bill Planning Meetings	\$ 50.00	
	Community Development Block Grant Meetings/Trainings	\$ 50.00	
	Housing Advisory Committee	\$ 25.00	
	Ohio Public Works Commission Meeting/Training	\$ 25.00	
	Planning Commission Meetings/Trainings	\$ 350.00	
	Southern Ohio Agricultural and Community Development Foundation	\$ 50.00	
	Subdivision Regulation Committee	\$ 75.00	
Department of Job and Family Services	Children's Protective Services - Foster Parent Events	\$ 1,000.00	
	Children's Protective Services - Adoption Meeting/Events	\$ 1,000.00	
	Child Support Enforcement	\$ 1,000.00	
	Family & Children First	\$ 1,000.00	
	OhioMeansJobs-Clermont County Events	\$ 300.00	
	SouthWestern Ohio Regional Training Center (SWORTC)	\$ 13,000.00	
			\$17,300.00
Department of Public Safety Services	Public Outreach	\$ 100.00	
	Dispatcher Recognition Day	\$ 200.00	\$300.00
Emergency Management Agency/ Local Emergency Planning Committee	EMA Trainings	\$ 100.00	
	EOC Activations (\$1,400.00 reserved)	\$ 1,400.00	
	LEPC Exercise	\$ 800.00	
	LEPC Trainings	\$ 100.00	
	LEPC Meetings	\$ -	
			\$2,400.00
Clermont County Water Resources Department/ Office of Environmental Quality	Watershed Collaborative Meetings	\$ 125.00	
	Stakeholder Involvement Meetings	\$ 125.00	\$250.00
All Departments	Total expenses estimated not to exceed		\$22,525.00