

Monday, November 5, 2012

THE BOARD OF DARKE COUNTY COMMISSIONERS MET IN REGULAR SESSION AT 1:30 P.M. WITH MEMBERS PRESENT: Commissioners Michael W. Rhoades, Michael E. Stegall and Diane L. Delaplane; Robin Blinn, Adm. Clerk/Secretary; Patty Harter, Asst. Clerk/Secretary; DC Citizen Fred Dean.

Mr. Stegall moved to approve the Regular Session minutes of Wednesday, October 31, 2012; motion was seconded by Mrs. Delaplane and all voted YEA.

IN THE MATTER OF EXAMINATION AND ALLOWANCE OF BILLS

Mrs. Delaplane moved to approve the following list of vouchers for payment; seconded by Mr. Stegall and all voted YEA.

3 entries	County - \$ 919.91	Other - \$	Totaling: \$ 919.91
63 entries	County -\$3,622.05	Other - \$ 39,210.38	Totaling: \$42,832.43

IN THE MATTER OF MOTIONS FOR APPROVING THE SIGNING OF VARIOUS DOCUMENTS FOR REISSUANCE OF YMCA ED REVENUE BONDS SERIES 2002

The Community Development/Grants Coordinator explained to the Board regarding the need etc. of the reissuance that the YMCA of Darke County, Inc. has requested. Basically the County is only giving permission for the YMCA to use the same interest rates that we, the County uses for borrowing etc. After explanation by the Community Development Grants Coordinator; Mr. Stegall moved to approve the signing of all various documents, see below, to complete the "reissuance"; motion was seconded by Mrs. Delaplane and all voted YEA.

**GENERAL CERTIFICATE OF THE
CLERK OF BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DARKE, OHIO**

**Delivery of First Amendment to Bond Purchase Agreement and
First Amendment to Loan Agreement in Connection with:**

**\$498,000
COUNTY OF DARKE, OHIO
ECONOMIC DEVELOPMENT REVENUE BONDS
SERIES 2002
(YMCA OF DARKE COUNTY, INC. PROJECT)**

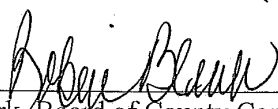
The undersigned Clerk of the Board of County Commissioners (the "Legislative Authority") of the County of Darke, Ohio (the "Issuer") hereby certifies that:

a. Attached is a complete and accurate transcript of all of the proceedings taken with regard to the authorization of the execution and delivery of a First Amendment to Bond Purchase Agreement and First Amendment to Loan Agreement relating to the Issuer's \$498,000 Economic Development Revenue Bonds, Series 2002 (YMCA of Darke County, Inc. Project) (the "Bonds"), dated the date of initial delivery; that the copies of all agreements, resolutions, certifications and other proceedings contained in this transcript are true, complete and correct as of this date; and that none of said resolutions, certifications or other proceedings have been rescinded, repealed or amended and all are as of this date in full force and effect.

d. The Resolution adopted by the Legislative Authority on October 29, 2012 entitled A RESOLUTION AUTHORIZING THE AMENDMENT OF CERTAIN DOCUMENTS IN CONNECTION WITH ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2002 (YMCA OF DARKE COUNTY, INC. PROJECT) OF THE COUNTY OF DARKE, OHIO AND RELATED ACTIONS (a true copy of which is attached hereto as Exhibit A) is in full force and effect as of the date hereof and has not been amended, modified or rescinded.)

The public hearing described in such notice was duly held at the date and place set forth in such notice, and such hearing was held by and before the Legislative Authority, as indicated in such notice, and the hearing was conducted in a manner which provided a reasonable opportunity for persons with differing views on the issuance of the Bonds to be heard.

There was no adverse comment from the public regarding the Bonds.



Clerk, Board of County Commissioners
County of Darke, Ohio

GENERAL COUNTY CLOSING CERTIFICATE

The undersigned Member of the Board of County Commissioners (the "Legislative Authority") of the County of Darke, Ohio (the "County"), hereby certifies, on behalf of the County, that (all capitalized terms herein having the meaning ascribed to them in the Loan Agreement between the County and YMCA of Darke County, Inc. dated April 1, 2002 for \$498,000 County of Darke, Ohio Economic Development Revenue Bonds, Series 2002 (YMCA of Darke County, Inc. Project) (the "Bonds"), dated the date of initial delivery):

(a) the representations and warranties of the County in the Bond Purchase Agreement and the Loan Agreement are true and correct in all material respects as of the date hereof, and the County has complied with all agreements, covenants and arrangements and satisfied all conditions on its part to be complied with or satisfied at or prior to the date hereof;

(b) to our knowledge, no litigation is pending or threatened (i) to restrain or enjoin the collection of revenues pledged under the Loan Agreement, (ii) in any way contesting or affecting the authority of the County to perform its obligations under the Tax Exemption Certificate and Agreement, Loan Agreement or the Bond Purchase Agreement or the validity of any of the foregoing, (iii) in any way contesting the existence or powers of the County or the Legislative Authority of the County or the title of any of the members or officers of the County or the Legislative Authority of the County to their respective offices;

(c) the resolution of the Legislative Authority of the County authorizing the execution, delivery and performance of the Tax Exemption Certificate and Agreement, the First Amendment to Bond Purchase Agreement and the First Amendment to Loan Agreement has been duly adopted by the Legislative Authority of the County and has not been modified, amended or repealed;

(d) the Tax Exemption Certificate and Agreement, the First Amendment to Bond Purchase Agreement and the First Amendment to Loan Agreement have been duly authorized, executed and delivered by the County and constitute valid and legally binding instruments enforceable against the County in accordance with their terms, except to the extent limited by or subject to bankruptcy, insolvency, reorganization, moratorium or other laws affecting creditors' rights; and

(e) the County is not in default on the payment of principal of, or premium, if any, or interest on any obligations issued by the County.

COUNTY OF DARKE, OHIO

Michael J. ...
Michael ...
By: *Quinn ...*
Commissioner

(All Documents can be seen in the County Commissioners 2012 Bond Files and/or CD that will have all completed copies of documents)

IN THE MATTER OF RESOLUTION (R-197-12) REPLACING COMMON PLEAS COURT JUDGE'S APPOINTEE ON THE PUBLIC DEFENDER COMMISSION FOR DARKE COUNTY, OHIO

WHEREAS, on November 24, 2003, Resolution (R148-03); the Board of Darke County Commissioners established a Public Defender Commission; and

WHEREAS, the Board appoints three (3) members and the Judge of Common Pleas appoints two (2) members to the Commission; and

WHEREAS, the Judge of Common Pleas Court, along with the Board of Darke County Commissioners, received a letter dated September 21, 2012, from Eric H. Brand, Attorney at Law, who currently serves on the Public Defender's Commission for Darke County, Ohio, and whose term doesn't expire until 12/31/2015, requesting that we accept his resignation from the Commission due to his Associate being approached to provide criminal defense for the indigent, so there would be no alleged "conflict of interest"; and

WHEREAS, the Board of Commissioners received a letter dated October 22, 2012, from Common Pleas Court Judge advising the Board that he is appointing Theodore O. Finnarn to replace the term, previously held by Eric H. Brand, set to expire 12/31/2015; and

WE DO HEREBY RESOLVE, to replace the unexpired term, see attached request, per letter dated October 22, 2012, from Common Pleas Court Judge Jonathan P. Hein;

Mrs. Delaplane moved the adoption of this Resolution; seconded by Mr. Stegall; and all voted YEA.

Robin Blinn
Robin Blinn
Adm. Clerk/ Secretary

Michael W. Rhoades
Michael W. Rhoades
Michael E. Stegall
Michael E. Stegall

Diane L. Delaplane
Diane L. Delaplane,
DARKE COUNTY BOARD
OF COMMISSIONERS

IN THE MATTER OF RESOLUTION (R-198-12) TRANSFER OF APPROPRIATIONS (Commissioners, Ditch Maintenance & Michael Resource Treatment Center (MRTC))

WHEREAS, pursuant to R. C. 5705.38-40 and OAG Opinion #94-007; and

WHEREAS, Commissioners are requesting that appropriations, etc. be changed as follows, we therefore

RESOLVE, the following funds be changed as follows:
Appropriation line transfer use only:

Commissioners – to pay current invoice & membership fees for Co. Sewers

\$9.23	From: Other Expenses	#001-8000.538130	To: Office Supplies	#001-8000.520100
\$100.00	From: Contract Service	#001-1517.533030	To: Member Dues	#001-1517.532030

Ditch Maintenance – not enough money to pay for gravel on Ditch 77-12

\$500.00	From: Maintenance & Repair	#135-3010.522020	To: Road & Bridge Repair	#135-3010.520140
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MRTC – Insufficient funds in Other Utilities line

\$366.00	From: Facility Maintenance	#119-2240.536000	To: Other Utilities	#119-2240.531050
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Mr. Stegall moved the resolution; and Mrs. Delaplane seconded the resolution and all voted as follows

Robin Blinn
Admin. Clerk/Secretary

Michael W. Rhoades (YEA)
Michael E. Stegall (YEA)
Diane L. Delaplane (YEA)

IN THE MATTER OF RESOLUTION (R-199-12) FUND TRANSFER (Darke County Home – August & September 2012-Support)

WHEREAS, the Board of Darke County Commissioners met January 6, 2012, and signed the Annual Appropriation Resolution (R-1-12); and

WHEREAS, per the Budget's Estimated Receipts and Appropriations; we therefore

RESOLVE, the following transfer needs to be made:

(County Home monthly Support for August & September, 2012)

\$63,833.34 Co. Support-Transfer Out #001-8070.591027 Co. Home-Transfer In #146-4300.491000

Mrs. Delaplane moved the resolution; Mr. Stegall seconded
the resolution and/all voted as follows

Robin Bravin
Adm. Clerk/Secretary

Michael W. Rhoades (YEA)
Michael E. Stegall (YEA)
Diane L. Delaplane (YEA)
BOARD OF DARKE CO. COMMISSIONERS

IN THE MATTER OF LETTER OF SUPPORT FOR SHELTER OF VIOLENCE FUNDING 2013

Mr. Stegall moved to approve the signing & sending of the following letter; seconded by Mrs. Delaplane and all voted YEA.

Hershel Fee, President
Shelter from Violence, Inc.
PO Box 988
Greenville, OH 45331

Re: Domestic Violence fees

Dear Mr. Fee & Board:

In reply to your request regarding funds available from Domestic Violence fees.

As per the Ohio Revised Code 3113.34 and 2303.201(D) we wish to advise your organization you will be receiving funding for 2013. We estimate the receipts to be \$12,500.00 for the year. These payments will be made semi-annually.

Sincerely,

Michael W. Rhoades
Michael W. Rhoades

Michael E. Stegall
Michael E. Stegall

Diane L. Delaplane
Diane L. Delaplane,
Board of Darke County Commissioners

IN THE MATTER OF PAY INS

Pay In#064758	Received of Commissioners	County-Oct `12 – Salary/Benefit reimb.	\$1,497.33
Pay In#064759	Received of Commissioners	Co. Health Ins.-1% Adm. Fee for Oct. 2012	\$1,022.75
Pay In#064836	Received of Commissioners	Co. Health Ins.-Employee share – health insurance	\$38,777.38
Pay In#064918	Received of Solid Waste	Tipping Fees	\$30.00
Pay In#064797	Received of Commissioners	Co. Health ins.-Employer share-life insurance	\$1,183.65

IN THE MATTER OF AUTHORIZATION OF MEETING EXPENSES (DC Municipal Court)

Mrs. Delaplane moved to approve the following request; seconded by Mr. Stegall and all voted YEA.

#001-2600.532000 (Required)

Attending: Mercer Co. Jail/Nov. 2, 12/Celina, OH/Judge Julie Monnin, Kelly Moody & Capt. Ted Bruner

Transportation: \$25.56/Meals: \$25.00/Estimated total for meeting: \$50.56

IN THE MATTER OF PUBLIC ATTENDEES COMMENTS: (Discussion can be heard in detail by MP3 Format Sound/121105-in the Commissioner's Office)

**None

MR. STEGALL MOVED TO ADJOURN; SECONDED BY MRS. DELAPLANE AND ALL VOTED YEA. THE MEETING WAS ADJOURNED AT 1:48 P.M.

Michael W. Rhoades

Robin R. Blinn, Administrative Clerk/Secy.

Michael E. Stegall

Patricia S. Harter, Assistant Clerk/Secy.

Diane L. Delaplane,
DARKE COUNTY BOARD
OF COMMISSIONERS

IN THE MATTER OF FURTHER DISCUSSION BY THE BOARD

**All Commissioners met with County Treasurer, County Recorder and County Engineer, and Darke Co. Veterans Commission, separately, for their 2013 Appropriations.