

JULY 29, 2010

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and approving the current bills. At 9:00 a.m. the meeting was called to order by President Howard "Joe" Foster. Roll Call: President Mr. Howard J. "Joe" Foster, present; Vice-President Mr. Justin L. Fallon present and Member Ms. Lois M. Snyder, present.

President Foster entertained a motion for approval of the July 22, 2010 minutes. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
Commissioners/ Economic Development	Lois Snyder Melissa Clark	8/12	Marietta	ODOT Future transportation plans
EMA	Mike Null	8/2	Columbus	ICS/EOC Interface training
JFS	Dana Glassburn	8/2 & 8/3	Columbus	Directors Meeting

President Foster entertained a motion to approve travel requests as submitted. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

Animal Shelter Canine Weekly Report										
Week Ending	# IN	Adopted	Reclaimed	Euthanized	Died (Natural Causes)	Rescued	Destroyed (in field)	# Out	In Foster Care	Remaining at Shelter
7/26	34	1	0	10	2	2	0	15	20	32

NOTICE OF OPTIONAL REDEMPTION

Commissioners received a request from the University of Rio Grande & Rio Grande Community College to redeem 100% of the outstanding 2003 Bonds prior to their stated date of maturity in regard to the \$2,840,000 Variable Rate Demand Economic Development Revenue Refunding & Improvement Bonds, Series 2003. Lois Snyder made and Justin Fallon seconded the motion to send the following notice:

July 29, 2010  
Fifth Third Bank  
128 Capitol Street  
Charleston, WV 25301  
Attention: Commercial Loan Department

Fifth Third Bank  
38 Fountain Square Plaza  
MD 10AT60  
Cincinnati, OH 45202  
Attention: Corporate Trust Department

Subject: \$2,840,000 County of Gallia, Ohio Variable Rate Demand Economic Development Revenue Refunding and Improvement Bonds, Series 2003 (University of Rio Grande Project) (the "2003 Bonds") – Notice of Optional Redemption

Dear Sir or Madam:

Consistent with Section 6.1 of that certain Loan Agreement dated as of November 1, 2003 between the County of Gallia ("County") and University of Rio Grande ("University") and Section 4.01(c) of the Trust Indenture dated as of November 1, 2003 between the County and Fifth Third Bank, in its capacity as Trustee, the University has notified the County of its intent to redeem 100% of the outstanding 2003 Bonds prior to the stated maturity date. A copy of the written notification of the University to the County is enclosed. This correspondence is submitted to Fifth Third Bank in its capacity as Trustee and Letter of Credit Bank.

The University has elected to redeem 100% of the outstanding 2003 Bonds on November 1, 2010 ("Redemption Date") which date is the applicable Interest Payment Date for the month of November, 2010. The current principal amount of the outstanding 2003 Bonds is \$1,595,000. Consistent with the requirements of Section 4.04 of the Indenture, please cause the Registrar to issue the applicable written notice to all Holders of Bonds.

On the Redemption Date, the University will have funds sufficient to pay the Redemption Price of the outstanding 2003 Bonds, together with interest accrued through the Redemption Date and related fees and expenses.

We look forward to working with you to facilitate a smooth transaction.

If there are any questions regarding this matter, please contact the Commissioners at 740-446-4374 or email at [gcboc@gallianet.net](mailto:gcboc@gallianet.net).

Thank you for your attention to this matter.

Sincerely,  
s/Howard J. Foster, President  
Gallia County Commissioners

Cc: Fifth Third Bank, 38 Fountain Square Plaza, Cincinnati, Ohio 45202, Attention: International Department  
Fifth Third Bank, Columbus and Main Street, Russellville, Ohio 45168  
Fifth Third Securities, Inc., 38 Fountain Square Plaza, 3<sup>rd</sup> Floor, Cincinnati, Ohio 45202, Attention: International Department  
Barbara Gellman-Danley, Ph.D., President University of Rio Grande & Rio Grande Community College, PO Box 500, Rio Grande OH 45674

Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

**FINAL FLOOD ELEVATIONS NOTIFICATION**

Commissioners received a notice of final flood elevations from the Federal Emergency Management Agency advising (in part) the following:

*On October 16, 2003, the Department of Homeland Security's Federal Emergency Management Agency issued a Flood Insurance Rate Map that identified the Special Flood Hazard Areas, the areas subject to inundation by the base flood, in your community. Recently FEMA completed a re-evaluation of flood hazards in your community. On August 21, 2009, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the Gallipolis Daily Tribune on January 20, 2010 and January 27, 2010, and in the Federal Register, at Part 67, Volume 74, Number 240, Page 66608, on December 16, 2009.*

*The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the Federal Register as soon as possible. The FIRM for your community will become effective on January 19, 2011. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.*

*Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to January 19, 2011, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations (44CFR59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.*

*It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by the map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:*

- 1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);*
- 2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or*
- 3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).*

*Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.*

*In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.*

A summary of Map Actions to document previous Letter of Map Change (LOMC) actions were included. This information was also copied to Gallia County's Floodplain Administrator for follow up to these requirements.

**GROUP RETROSPECTIVE RATING PROGRAM ENROLLMENT – 2011**

Commissioners received notice from County Commissioners Association of Ohio (CCAO) that our county continues to be eligible for Group Retrospective Rating and are invited to participate in the CCAO 2011 Workers' Compensation Group Retrospective Rating Program.

Lois Snyder made and Justin Fallon seconded the motion to complete and return the appropriate applications and agreements as required. Agreement was approved as to form by the Gallia County Prosecutor. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

**AIRPORT HANGAR # 1 & 2 CONTRACTS APPROVED**

Karen Sprague, County Administrator, presented the Commission with the Airport Hangar # 1 & # 2 contracts for approval, noting they had already been signed by Blair Builders LLC, the Prosecutor and the Auditor. Ms. Sprague noted the Commission President would need to sign all pages except the Notice to Proceed which cannot be signed until the contractor provides Payment and Performance bonds. Joe Foster entertained a motion to approve and sign the contracts as presented. Lois Snyder made and Justin Fallon seconded that motion. Upon roll call votes were as follows: Joe Foster, yea; Justin Fallon, yea; Lois Snyder, yea.

**ADDENDUM # 2 TO  
Resolution of Intent  
Neighborhood Stabilization Program**

The County Administrator presented a resolution of intent for ADMINISTRATIVE SERVICES AGREEMENT between the County of Gallia, Ohio and Gallia-Meigs Community Action Agency

Justin Fallon made and Lois Snyder seconded a motion to approve addendum #2 as presented. Roll call votes: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

*WHEREAS, Gallia-Meigs Community Action Agency has made final completion of all activities for the NSP grant and have therefore requested approval to change the payout schedule for the administration services dollars allocated in the grant agreement.*

*NOW, THEREFORE, due to this change there is also the need to change the wording of the Resolution of Intent with Gallia-Meigs Community Action Agency for Administration services as follows:*

***THE COUNTY (upon GMCAA's successful completion of work):***

- 1. Shall pay the AGENCY a total of \$7,000 for Administration services performed under this agreement as follows:*

- (a) \$7,000 as invoiced by the agency with a final invoice to be submitted upon completion of all projects funded as a part of this grant for the following stated services:
- (b) Creating and managing program files and databases
- (c) Developing program policies, procedures and forms
- (d) Preparing program reports
- (e) Supervising staff that have administrative or implementation duties
- (f) Managing agreements to administer the NSP-1
- (g) Counseling/referring program participants
- (h) Monitoring and evaluating program performance

IN WITNESS WHEREOF, the parties have hereunto set their hands this 29 day of July, 2010.

WITNESSES:

sl Karen Sprague

COUNTY OF GALLIA

sl Howard Joe Foster

HOWARD JOE FOSTER, PRESIDENT

GALLIA COUNTY COMMISSIONERS

sl Terison Beaver

sl Theodore T. Reed, III

THEODORE T. REED, III, EXECUTIVE DIRECTOR

G-M COMMUNITY ACTION AGENCY

The foregoing Agreement is hereby approved as to legal form and content.

sl C. Jeffrey Adkins

C. JEFFREY ADKINS

COUNTY OF GALLIA PROSECUTING ATTORNEY

**QUOTES FOR CDBG FAIR HOUSING PROGRAM**  
**B-F-09-1AY-1**

The Commission received quotes for the following items for the Gallia County Fair Housing Program:

1. HomeTown Water Depot of Gallipolis, Ohio:
  - 2,880 – 20 oz. bottles of water - \$1,60.00
2. Amsterdam Printing:
  - 2,400 – 16.9 oz. bottles of water - \$3,962.00
  - 2,500 – Litter Bags - \$962.85

Lois Snyder moved and Justin Fallon seconded that the fair housing items be awarded to the lowest bidders as follows:

- HomeTown Water Depot of Gallipolis for 2,880 – 20 oz. bottles of water - \$1,600.00
- Amsterdam Printing for 2,500 litter bags - \$962.85

Roll call votes: Mr. Foster, yea; Mr. Fallon, yes; Ms. Snyder, yea.

**TASC OF SOUTHEAST OHIO - OFFICE SPACE LEASE**

Lois Snyder moved and Justin Fallon seconded a motion to approve the Lease for TASC office space in the Gallia County Service Center. It was noted TASC requested the dollar amount remain the same at \$18,381 annually. Roll call votes: Mr. Foster, yea; Mr. Fallon, yes; Ms. Snyder, yea.

1. This Lease witnesseth that in consideration of the rentals herein reserved and mutual covenants expressed:

Gallia County Commissioners  
18 Locust Street  
Gallipolis, Ohio 45631

hereinafter referred to as the Lessor, does hereby demise and lease to:

TASC of Southeast Ohio  
8 North Court Street, 5th Floor  
Athens, Ohio 45701

hereinafter referred to as the Lessee, all those premises known and described as:

499 Jackson Pike – Suites E & F  
Gallipolis, Ohio 45631

2. To have and to hold the same with any appurtenances included, unto the said Lessee from the 1<sup>st</sup> day of July, 2010 for and during the full term of one year ending on the 30<sup>th</sup> day of June, 2011, with renewals to be contingent on receipt of TASC grant funds from the State of Ohio; yielding and paying therefore during the term an annual rental rate of \$18,381.00 for the entire demised premises, which sum shall be payable directly to the Lessor by TASC of Southeast Ohio on a monthly basis at a rate of \$1,531.75 per month.

3. It is agreed that the Lessee is entitled to unlimited renewals at a rate to be determined annually.
4. It is understood and agreed that the Lessee may not sublease the demised premises without prior approval of the Lessor.
5. It is agreed that this lease and any renewal thereof is subject to the appropriation and certification of available TASC grant funds.
6. During the period of this lease or any renewal hereof, the same may be terminated by Lessee by written notice of Cancellation, mailed to the Lessor at his last known address at least 30 days prior to the effective date of such cancellation.
7. All notices and correspondence shall be addressed as follows unless written notice of change is sent to the other party:

Lessee: TASC of Southeast Ohio  
8 North Court Street, 5<sup>th</sup> Floor  
Athens, Ohio 45701

Lessor: Gallia County Commissioners  
18 Locust Street, Room 1292  
Gallipolis, Ohio 45631

LESSOR

Witnesses as to Lessor:

sl Karen Sprague

Signature

Karen Sprague

Printed Name

sl Terry Hemby

Signature

Terry Hemby

Printed Name

LESSEE

Witnesses as to Lessor:

LESSOR

sl Howard Joe Foster

Signature

Howard Joe Foster

Printed Name

President, Gallia County Commissioners

Title

7/29/2010

Date

LESSEE

S/ Amy M. See

Signature

Amy M. See

Printed Name

Signature

Printed Name

ATTORNEY REVIEW AND APPROVAL

Please be advised that I have reviewed the Proposed Lease Agreement between the Gallia County Commissioners and TASC of Southeast Ohio and approve the same as to legal form and content.

S/ C. Jeffrey Adkins

C. Jeffrey Adkins

Gallia County Prosecuting Attorney

S/ Stephen K. Thomas

Signature

Stephen K. Thomas

Printed Name

Exec. Director, TASC of Southeast Ohio

Title

7/26/2010

Date

7/29/2010

Date

**ISSUE I WORKSHOP – ROUND 25**

Lois Snyder moved and Justin Fallon seconded a motion to hold the Issue I Round 25 Workshop on Tuesday 8/10/2010 at 7 pm in the Gallia County Courthouse. Roll call votes: Mr. Foster, yea; Mr. Fallon, yes; Ms. Snyder, yea.

**EXECUTIVE SESSION**

At 9:57 a.m. Joe Foster entertained a motion to enter into executive session with Dog Warden Tim Atha for personnel issues. Lois Snyder made and Joe Foster seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea. Returned to regular session at 10:10 a.m.; no action taken.

**INFRASTRUCTURE VULNERABILITY ASSESSMENT**

EMA Director Mike Null submitted the following letter and agreement for Technical & Cost Proposal for the Gallia County Infrastructure Vulnerability Assessment.

May 7, 2010

Mr. C. Mike Null, Director

Gallia County Emergency Management Agency

1255 State Route 160

Gallipolis, OH 45631

**Re: Technical and Cost Proposal****Gallia County Infrastructure Vulnerability Assessment**

Dear Mr. Null:

Per your request, please accept this proposal for professional services for the above-referenced project. I have included a brief project approach and cost estimate for your review.

**PROJECT APPROACH**

JH Consulting, LLC of West Virginia (JHC) will coordinate with representatives from each participating water association to schedule an Initial Asset Visit (IAV). The IAV would include the following. (\*NOTE: IAVs may be conducted virtually.)

- Site surveys at all facilities owned by the water association,
- Security assessment at all facilities,
- Capability assessment for each system,
- Resource inventory for each system,
- Mapping of water system resources, and
- Other items as requested by water system officials.

Prior to these IAVs, JHC would work with the Gallia County Emergency Management Agency (GCEMA) to identify all project stakeholders. JHC will ensure that stakeholders are provided with ample opportunities to review project documents as they are developed. Such stakeholders may include not only the City of Gallipolis' water department and the Gallia County Rural Water Association, but also emergency services representatives and local government representatives.

JHC will also coordinate with local officials to schedule a response planning workshop. Topics at the workshop may include:

- Traditional emergency function determinations,
- Develop projects to assess gaps,
- Prioritize projects,
- Compile a list of training that would be necessary to adequately implement the plan,
- Create an exercise plan,
- Review draft documents, and
- Compile final draft.

All project activities will be coordinated with the appropriate State Homeland Security Grant Program Investment Area Milestones, including:

- Investment Area #3, Milestone 6,
- Investment Area #4, Milestone 6, and
- Investment Area #5, Milestone 5.

**COST ESTIMATE**

Our fee for this project will not exceed **\$14,733.00**. This fee includes all hourly and direct expenses necessary for the completion of the project. Deliverables for this project include two (2) reproducible copies of all plans compiled as part of the project as well as electronic copies (CDs) of any plans and assessments completed. The number of CDs can be negotiated as the project progresses. Thank you for considering JH Consulting, LLC of West Virginia for this project. Should you have any questions or comments, feel free to contact me at (304) 473-1009 or by email at [jharvey@jhcemergencypreparedness.com](mailto:jharvey@jhcemergencypreparedness.com).

Respectfully submitted,

*Jeffery W. Harvey*

Owner, Project Manager

After explanation of the project, Director Null recommended the approval and signature of agreement below:

**AGREEMENT****Gallia County Emergency Management Agency**

and

**JH Consulting, LLC of West Virginia**

This Contract, effective **July 26, 2010** is between the Gallia County Emergency Management Agency, hereinafter referred to as "EMA", and JH Consulting, LLC of West Virginia, hereinafter referred to as "Contractor", who shall be used to complete the scope of work detailed in Attachment A.

The Gallia County Emergency Management Agency and JH Consulting, LLC of West Virginia agree to the following:

1. **Provision of Services.** See attached Scope of Work (i.e. proposal dated May 7, 2010).
2. **Agreement Amount.** The Contractor shall be paid by the EMA in an amount not to exceed \$14,733.00 for the completion of the duties, completed to the satisfaction of the EMA, for the scope of work detailed in Attachment A.
3. **Agreement Term.** The Agreement shall begin July 26, 2010 and continue until December 31, 2010 unless either party serves written notice thirty (30) days in advance of its intent to cancel the Agreement.
4. **Invoices.** The Contractor will provide the EMA with an invoice for services rendered by December 31, 2010.
5. **Data Ownership and Security.** The EMA retain ownership of the data and all work produced by the Contractor and will be transferred upon completion of the contractual obligations.
6. **Confidentiality.** The Contractor and all support staff agree to comply with all federal and state laws concerning the confidentiality of information concerning individuals rendering services by the EMA. Such information shall only be used for the purpose of carrying out this Agreement. Disclosure of information for any other purpose is prohibited except upon the written consent of the eligible individual or appropriate order or a court.
7. **Amendment of Agreement.** This Agreement is the entire Agreement between the parties and may not be amended at any time except by a written Agreement signed by both parties.
8. **Signatures.** Each person executing this Agreement represents and warrants that he has the authority to act for and bind the entity on whose behalf he purports to act.
9. **Severability.** Should any portion of this Agreement be found unenforceable to operation of statute or by administrative or judicial decision, the operation of the balance of this Agreement is not affected thereby, provided, however, the absence of the illegal provision does not render the performance of the remainder of the Agreement impossible.

Upon Director Null's recommendation, Lois Snyder made and Justin Fallon seconded the motion to approve the agreement. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

#### EMA AGENCY UPDATES

Director Mike Null also informed the Commissioners of the following with his agency:

1. The starter went out on the generator inside the mobile command post; this has been purchased for repair.
2. He is trying to contact the contractor for an estimate of the drain issues in front of their building.
3. Bluestone Dam Project: Last week Ohio EMA called to request that Gallia host a conference on this project on August 26<sup>th</sup> 10a – 12p. Arrangements are being made at Holiday Inn for a live meeting. OEMA will do the invitations; Null will continue to keep them informed.
4. OEMA called to advise that Lawrence County will be surveyed by SBA this morning to determine eligibility for SBA disaster loans. If eligible, Gallia as a direct adjacent county would also be eligible.
5. EMPG Grant, State of Ohio which provides a portion of the local EMA funding; material has been received and allows for 25% in-kind match. The 2010 grant amount is set at \$38,177. Commissioner encouraged him to continue to move forward in obtaining the grant information.

#### ECONOMIC IMPACT STUDY REPORT

Bob Hood, Director of Gallia County Convention and Visitors Bureau and Board of Trustees Vice President Bryna Butler shared the most recent Economic Impact Study Report with the Commission which included the annual report and history of lodging report for 2010.

Hood reviewed the key themes for 2009, an overview of tourism funds generated, as well as the Economic Impact of Tourism in Gallia County stating that visitors to the county generated business sales of \$54 million, directly and indirectly in 2009. He also distributed a Tourism Sales Trend reflecting volume and growth locally, southeast Ohio and statewide. Total tourism sales tallied \$1.3 billion in southeast Ohio in 2009, down 5.5% from 2008. EIS – Visitor spending down 10% across the state, Appalachia 6%. Results for Gallia, we were up nearly 1% for direct sales.

Hood thanked the Commissioners for supporting the efforts of the Visitors' Bureau with the bed tax. The Commission also expressed their appreciation to the Bureau for their role in marketing the community.

The Advisory Committee is comprised of 25 members and holds quarterly meetings.

#### MOU – SHERIFF PRC PROGRAM

Director Dana Glassburn submitted a memorandum of understanding with the Sheriff's department to provide deputies to JFS during the School Clothing and School Supplies Prevention, Retention, and Contingency (PRC) project. This will include, but not limited to:

- A) Deputies on site at the JFS on August 2, 2010 through August 5, 2010 from 6:30 a.m. to 5:30 p.m. Number of Deputies on site during this time period will be as deemed necessary by the Sheriff for crowd control but will not be less than one at any given time during this time frame.
- B) Deputies on site at Kmart, Fashion Bug and Peebles Gallipolis locations on August 30, through September 2 from 7:30 a.m. to 5:30 pm. Number of deputies on site during this time period will be as deemed necessary by the Sheriff for crowd control but will not be less than one at any given time at each location listed during this time frame.

As recommended by Mr. Glassburn, Justin Fallon made and Lois Snyder seconded the motion to approve the MOU and request that the reimbursement which comes in will be part of the general fund pay in and the department will request appropriations to balance their fund at year's end. The program will be a no net costs to county general and totally refunded by the PRC program. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

PRC program is being heavily advertised and we are expecting a many applicants. There will be 3 stores participating in the area, which is about all that can be handled for processing purposes. JFS Staff will be at each store to assist the store personnel with processing of invoices to eliminate any errors immediately. This will be held for only four days the

first week of September and applications will be collected next week. There will be no limit on available applications however; the voucher can only be used at one location.

**BONDS FOR TWO NEW PUBLIC AIRPLANE HANGARS  
FOR THE GALLIA-MEIGS REGIONAL AIRPORT**

Lois Snyder moved the adoption of the following resolution:

COUNTY OF GALLIA, OHIO  
RESOLUTION

RESOLUTION AUTHORIZING THE ISSUANCE OF \$275,000 OF BONDS FOR THE  
PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING TWO NEW PUBLIC  
AIRPLANE HANGARS FOR THE GALLIA-MEIGS REGIONAL AIRPORT.

WHEREAS, this board of county commissioners has heretofore by proper legislation declared the necessity of constructing two new public airplane hangars for the Gallia-Meigs Regional Airport (the "Project"); and

WHEREAS, the county auditor has heretofore estimated that the life of the improvements constituting the Project is at least five (5) years, and has certified that the maximum maturity of the bonds issued therefor is thirty (30) years; and

WHEREAS, this board of county commissioners anticipates that debt service on such bonds will be paid from revenues, other than revenues from unvoted county property taxes, derived from leases or other agreements between this county and the agencies, departments, boards, commissions or other entities relating to the use of the Project (the "Revenues");

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

SECTION 1. That it is necessary to issue and sell bonds of this county in the principal sum of \$275,000 (the "Bonds") for the purpose of paying part of the costs of the Project, including "financing costs" as defined in Section 133.01 of the Ohio Revised Code, under authority of and pursuant to the general laws of the State of Ohio, particularly Chapter 133 of the Ohio Revised Code. It is hereby determined that notes shall not be issued in anticipation of the Bonds.

SECTION 2. That the Bonds shall be issued in such principal amount for the purpose aforesaid. The Bonds shall be dated their date of initial delivery to the purchaser thereof, shall be in the form of a single registered Bond and numbered from R-1 upwards in order of issuance, shall be of the initial denomination of \$275,000 each, shall mature in installments payable on the dates in the respective principal amounts, and shall bear interest at the rate of four and thirty-four hundredths percent (4.34%) per annum, payable on December 1 of each year, commencing December 1, 2010 until the principal sum is paid, as follows:

<u>Payment Date</u>	<u>Principal Amount Due</u>	<u>Payment Date</u>	<u>Principal Amount Due</u>
December 1, 2011	\$6,306.53	December 1, 2024	\$10,955.98
December 1, 2012	6,580.23	December 1, 2025	11,431.47
December 1, 2013	6,865.82	December 1, 2026	11,927.60
December 1, 2014	7,163.79	December 1, 2027	12,445.25
December 1, 2015	7,474.70	December 1, 2028	12,985.38
December 1, 2016	7,799.10	December 1, 2029	13,548.94
December 1, 2017	8,137.58	December 1, 2030	14,136.97
December 1, 2018	8,490.76	December 1, 2031	14,750.51
December 1, 2019	8,859.25	December 1, 2032	15,390.69
December 1, 2020	9,243.75	December 1, 2033	16,058.64
December 1, 2021	9,644.92	December 1, 2034	16,755.58
December 1, 2022	10,063.51	December 1, 2035	17,482.78
December 1, 2023	10,500.27		

The Bonds shall be subject to redemption at any time prior to maturity, in whole or in part, at the option of the county, in inverse order of maturity at the price of 100% of the principal amount to be redeemed, plus accrued interest to the a date of redemption.

The county shall send notice of any such redemption by first class mail, postage prepaid, to the registered holders of the Bonds to be redeemed at least 30 days prior to the date of redemption, or such lesser time as may be acceptable to such holders. When less than all the Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed shall be made in such manner as the county shall determine.

The Bonds shall be designated "County Airport Bonds, Series 2010".

SECTION 3. That the Bonds shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this resolution. The Bonds shall be in fully registered form. They shall bear the signatures of at least two members of this board of county commissioners, provided that any or all such signatures may be facsimile signatures, may bear the seal of such county auditor or a facsimile thereof, and shall bear the manual authenticating signature of the county auditor, who is hereby designated as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. Installments of principal of and interest on the Bonds are payable in lawful money of the United States of America to the registered owner of the Bonds as shown on the registration records of the county. No transfer of ownership of the Bonds shall be valid unless made at the request of the registered owner thereof on the registration records of the county and on the Bonds. The county may deem and treat the registered owner of the Bonds as the absolute owner thereof for all purposes, and the county shall not be affected by any notice to the contrary. Payments of installments of principal of and interest on the Bonds shall be made by check or draft mailed to the registered owner thereof at the address shown on the registration records of the county.

The Bonds shall be transferable by the registered owner thereof in person or by his attorney duly authorized in writing at the office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The county and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same unpaid principal amount shall be issued to the transferee in exchange therefor.

SECTION 4. That for the payment of the Bonds and the interest thereon, the full faith, credit and revenue of this county are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the county within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay interest upon the Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby 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 said years are certified,

extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the Bonds when and as the same shall fall due; provided, that in each year to the extent that the Revenues or other moneys are available for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of the Revenues or other moneys so available and appropriated.

SECTION 5. That the Bonds shall be sold to The Ohio Valley Bank Company, Gallipolis, Ohio, in accordance with its offer to purchase which is hereby accepted. The proceeds from the sale of the Bonds, except any premium or accrued interest received, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purposes said proceeds are hereby appropriated. The premium and accrued interest, if any, shall be transferred to the bond retirement fund of the county to be applied to the payment of the principal of and interest on the Bonds in the manner provided by law.

SECTION 6. That this board of county commissioners hereby covenants that it will restrict the use of the proceeds for the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder and will, to the extent possible, comply with all other applicable provisions of the Code and the regulations thereunder to retain the Federal income tax exemption for interest on the Bonds, including any expenditure requirements, investment limitations, rebate requirements or use limitations. Without limiting the generality of the foregoing, the county will not allow the Project or any portion there to be operated or used in any trade or business carried on by any person within the meaning of the Code which would cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The county auditor or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of this county on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of the Code and regulations thereunder.

SECTION 7. That the Bonds are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Code. This board of county commissioners finds and determines that the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the county during the calendar year in which the Bonds are initially delivered does not and the board hereby covenants that, during such year, the amount of tax-exempt obligations issued by the county and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$30,000,000. The county auditor and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the county with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the county during such calendar year and with respect to such other matters as appropriate under Section 265(b)(3).

SECTION 8. That the law firm of Peck, Shaffer & Williams LLP be and is hereby retained as bond counsel to the county to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Bonds and, if appropriate, rendering its approving legal opinion in connection therewith, in accordance with the written agreement presently on file with the county which at least two members of this board of county commissioners and the county auditor are hereby separately authorized to execute and deliver on behalf of the county, with such changes thereto not substantially adverse to the county as may be approved by the officer(s) executing the same. The approval of such changes by such officer(s), and that the same are not substantially adverse to the county, shall be conclusively evidenced by the execution of such agreement by such officer(s). Such law firm shall be compensated by the county for the above services in accordance with such written agreement.

SECTION 9. That the clerk of this board of county commissioners is hereby directed to forward a certified copy of this resolution to the county auditor.

SECTION 10. That it is found and determined that all formal actions of this board of county commissioners concerning and relating to the adoption of this resolution were adopted in an open meeting of this board of county commissioners, and that all deliberations of this board of county commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

SECTION 11. That this resolution shall take effect immediately upon its adoption.

Justin Fallon seconded the resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

AYES: Howard J. Foster Justin Fallon Lois M. Snyder

NAYS:

ADOPTED, this 29th day of July, 2010.

*Terry Hemby*, Clerk

**GRAVEL VALLEY SCHOOL ROAD**

Resident Larry Murray had requested to meet with the Commissioner regarding road issues on Gravel Valley School Road. Township Trustee Dick Neal was present; however Mr. Murray did not arrive for his scheduled appointment.

Commissioners recessed for lunch at Noon.

**EXECUTIVE SESSION - WORK RELEASE CENTER**

At 1:04 p.m. Joe Foster entertained a motion to enter into executive session with Sheriff Joe Browning for personnel issues. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea. Returned to regular session at 1:44 p.m.; no action taken.

2:00 PM – Commissioner left the meeting to attend the Historical Genealogical Society Recognition Program.

**ADJOURN**

At 3:30 p.m. President Foster entertained a motion for adjournment. Justin Fallon made and Lois Snyder seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

*Howard J. Foster*  
 \_\_\_\_\_  
 Howard J. Foster, President

*Terry Hemby*  
 \_\_\_\_\_  
 Terry Hemby, Clerk

*absent for signature*  
 \_\_\_\_\_  
 Justin L. Fallon, Vice-President

*Lois M. Snyder*  
 \_\_\_\_\_  
 Lois M. Snyder, Member