

TOWNSHIP ANNUAL APPROPRIATION RESOLUTION No. 010515-1

The Board of Trustees of Concord Township, Delaware County, Ohio, met in regular session on the 5th of January, 2015 at the Concord Township Administrative Building with the following members present:

Karen Koch
Joe Garrett
Bart Johnson

Mrs. Koch moved the adoption of the following Resolution:
BE IT RESOLVED by the Board of Trustees of Concord Township, Delaware County, Ohio, that to provide for the current expenses and other expenditures of said Board of Trustees, during the fiscal year ending December 31st, 2015, the following sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during said fiscal year, as follows, viz:

01 GENERAL FUND	PERMANENT APPROPRIATION	RECAPITULATION OF FUNDS
That there be appropriated from the General Fund for Miscellaneous Purposes:		
1-A Administrative		
01A01 SALARIES - TRUSTEES	61,704.00	
01A02 SALARY - FISCAL OFFICER	28,176.00	
01A03 TRAVEL OF OFFICIALS	1,000.00	
01A04 SUPPLIES - ADMINISTRATION	12,000.00	
01A05 EQUIPMENT - ADMINISTRATION	10,000.00	
01A06 INSURANCE - LIAB/HEALTH/ALL	172,000.00	
01A07 BURIAL EXPENSES	2,000.00	
01A10 LEGAL COUNSEL	25,000.00	
01A12 EMPLOYER'S RETIREMENT CONTRIBUTION	54,000.00	
01A13 ASSESSMENTS & CONTRIBUTIONS	1,000.00	
01A15 WORKERS' COMPENSATION	12,000.00	
01A16 GENERAL HEALTH DISTRICT	20,000.00	
01A17 AUDITOR & TREASURER (CO.) FEES	56,000.00	
01A17A STATE OF OHIO ROLLBACK FEES	3,500.00	
01A18 ADVERTISING DELINQUENT LANDS (CO.)	5,500.00	
01A19 STATE EXAMINERS' AUDIT CHARGES	6,000.00	
01A21 ELECTION EXPENSE (CO.)	5,000.00	
01A25 CONTINGENCY ACCOUNT - EMERG.	1,500,000.00	
01A26 OTHER EXPENSES	1,872,800.00	
01A81 SALARY - ADMINISTRATOR	20,000.00	
01A90 FICA/MEDICARE EMPLOYER	39,000.00	
Total Miscellaneous Purposes:	3,906,680.00	3,906,680.00
That there be appropriated from the General Fund for Town Halls, Memorial Buildings and Grounds Purposes:		
1-B Town Halls, Memorial Buildings and Grounds		
01B01 SALARIES/JANITORIAL	7,700.00	
01B02 IMPROVEMENT OF SITES	7,500.00	
01B04 UTILITIES	20,000.00	
01B05 MAINTENANCE SUPPLIES/MAT	7,500.00	
01B06 EQUIP PURCHASES OR REPLACEMENTS	30,000.00	
01B07 REPAIRS	15,000.00	
01B08 OTHER	30,000.00	
Total Town Hall Purposes:	117,700.00	117,700.00
That there be appropriated from the General Fund for Parks and Recreation Purposes:		
1-F Parks & Recreation		
01F01 SALARIES	35,000.00	
01F02 IMPROVEMENT OF SITES	35,000.00	
01F04 NEW BUILDINGS/ADDITIONS	0.00	
01F05 TOOLS AND EQUIPMENT	40,000.00	
01F06 SUPPLIES	40,000.00	
01F07 REPAIRS	15,000.00	
01F08 OTHER EXPENSES	30,000.00	
01F08A UTILITIES	5,000.00	
Total Parks and Recreation Purposes:	200,000.00	200,000.00
That there be appropriated from the General Fund for Police Protection Purposes:		
1-G Police Protection		
01G03 Contracts	22,000.00	
Total Police Protection Purposes:	22,000.00	22,000.00
That there be appropriated from the General Fund for Zoning Purposes:		
1-J Zoning		
01J01 SALARIES AND FEES	36,000.00	
01J02 SUPPLIES	5,000.00	
01J03 OTHER EXPENSES	5,000.00	
Total Zoning Purposes:	46,000.00	46,000.00
Total General Fund:	4,292,380.00	

02 MOTOR VEHICLE LICENSE TAX FUND

That there be appropriated from the Motor Vehicle License Tax Fund:

2-A Miscellaneous		
02A04 TOOLS AND EQUIPMENT	18,000.00	
02A05 SUPPLIES	8,000.00	
02A06 REPAIRS	4,500.00	
2-B Maintenance		
02B02 MATERIAL-MAINTENANCE	4,000.00	
2-C Improvement		
02C02 MATERIAL-IMPROVEMENT	4,000.00	
Total Motor Vehicle License Tax Fund:	38,500.00	38,500.00

03 GASOLINE TAX FUND

That there be appropriated from the Gasoline Tax Fund:

3-A Miscellaneous		
03A04 TOOLS AND EQUIPMENT	34,000.00	
03A05 SUPPLIES	15,000.00	
03A06 REPAIRS	15,000.00	
03A07 MAINTENANCE OF EQUIPMENT	0.00	
03A10 OTHER EXPENSES	25,000.00	
3-B Maintenance		
03B01 SALARIES	85,000.00	
03B02 MATERIAL	12,000.00	
3-C Improvement		
03C02 MATERIAL	12,000.00	
Total Gasoline Tax Fund:	198,000.00	198,000.00

05 CEMETERY FUND

That there be appropriated from the Cemetery Fund:

05A02 SALARIES	12,500.00	
05A05 IMPROVEMENT OF SITES	1,500.00	
05A06 LAND PURCHASES	0.00	
05A08 TOOLS AND EQUIPMENT	5,000.00	
05A09 SUPPLIES	3,500.00	
05A10 REPAIRS	3,500.00	
05A12 OTHER EXPENSES	2,500.00	
Total Cemetery Fund:	28,500.00	28,500.00

10 FIRE DISTRICT FUND

That there be appropriated from the Fire District Fund:

10A01 SALARIES	1,700,000.00	
10A02 EMPLOYER'S RETIREMENT CONTRIBUTION	335,000.00	
10A03 WORKERS' COMPENSATION	40,000.00	
10A04 ASSESSMENTS & CONTRIBUTIONS	500.00	
10A06 NEW BUILDINGS & EQUIPMENT	371,971.92	
10A07 UTILITIES	25,000.00	
10A08 TOOLS AND EQUIPMENT	250,000.00	
10A09 SUPPLIES	45,000.00	
10A10 REPAIRS	70,000.00	
10A14 INSURANCE	430,000.00	
10A15 OTHER EXPENSES	1,195,000.00	
Total Fire District Fund:	4,462,471.92	4,462,471.92

11 ROAD DISTRICT FUND

That there be appropriated from the Road District Fund:

11-A Miscellaneous		
11A04 TOOLS AND EQUIPMENT	86,000.00	
11A05 SUPPLIES	35,000.00	
11A06 REPAIRS	35,000.00	
11A07 MAINTENANCE OF EQUIPMENT	0.00	
11-B Maintenance		
11B01 SALARIES	69,000.00	
11B02 MATERIAL	175,000.00	
11B03 CONTRACTS	500,000.00	
11B04 OTHER EXPENSES	200,000.00	
Total Road District Fund:	1,100,000.00	1,100,000.00

14A FEMA GRANT FUND

That there be appropriated from the FEMA Fund:

14A27A OTHER EXPENSES	0.00	
Total FEMA Fund:	0.00	0.00

14B CPIG/COMMUNITY PARK IMPROVEMENT GRANT FUND

That there be appropriated from the CPIG Fund:

14B08 OTHER EXPENSES	0.00	
Total CPIG Fund:	0.00	0.00

23 PERMISSIVE MOTOR VEHICLE LICENSE TAX FUND

That there be appropriated from the Permissive Motor Vehicle License Tax Fund:

23A04 TOOLS AND EQUIPMENT	55,000.00	
23A05 SUPPLIES AND MATERIALS	49,000.00	
23A06 PURCHASED SERVICES	0.00	
23A07 OTHER EXPENSES	0.00	
Total Permissive MVL Tax Fund:	104,000.00	104,000.00

GRAND TOTAL OF ALL FUNDS: 10,223,851.92

Mr/s. Garrett seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr/s. <u>Gaven Kue</u>	<u>yes</u>
Mr/s. <u>at Garrett</u>	<u>yes</u>
Mr/s. <u>Bartholomew</u>	<u>yes</u>
Adopted <u>January 5, 2015</u>	<u>Jill M. Davis</u> Fiscal Officer

The STATE OF OHIO, DELAWARE COUNTY, ss:

I, Jill M. Davis, Fiscal Officer of the Board of Trustees of Concord Township, Delaware County, Ohio, and in whose custody the Files, Journals and Records of said Board are required be the Laws of the State of Ohio to be kept, do hereby certify that the foregoing Annual Appropriation Resolution is taken and copied from the original Resolution now on file with said Board, that the foregoing Resolution has been compared by me with the said original and that the same is a true and correct copy thereof.

WITNESS my signature, this 5th day of January, 20 15.

Jill M. Davis
Fiscal Officer

RESOLUTION NO. 010515-2

Delaware County, Ohio

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

Be It Resolved by the Township Trustees of Concord Township, that in the event there is an inadequate amount in the line item or appropriation to pay incoming bills, to allow the Fiscal Officer to make the necessary inter-fund transfers as needed to meet financial obligations.

Mr. Johnson seconded the motion.

Vote:	Koch	<u>yes</u>
	Johnson	<u>yes</u>
	Garrett	<u>yes</u>

Adopted the 5th day of January, 2015.

Attest:

Jill M. Davis
Fiscal Officer

Board of Trustees:

Haidee Kue
Paul [Signature]
Mr. Garrett

RESOLUTION NO. 010515-3

Delaware County, Ohio

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

Be It Resolved by the Township Trustees of Concord Township, to approve use of township funds for payment of Delaware County Regional Planning Commission dues calculated as follows:

End of 2014 Population Estimate of 10,454 x \$1.04/person for a total of \$10,872.00, minus a credit of \$1,236.00 for end of 2013 population 10,300 x \$0.12, all totaling \$9,636.00.

Mr. Garrett seconded the motion.

Vote:	Koch	<u>yes</u>
	Johnson	<u>yes</u>
	Garrett	<u>yes</u>

Adopted this 5th day of January, 2015.

Attest:

Board of Trustees:

Jill M. Davis
Fiscal Officer

Karen K.
Jack K.
R. Garrett

**BOARD OF TRUSTEES
CONCORD TOWNSHIP, DELAWARE COUNTY, OHIO**

RESOLUTION NO. 010515-4

**RESOLUTION OF INTENT TO SELL BY INTERNET AUCTION PERSONAL
PROPERTY, INCLUDING MOTOR VEHICLES, ROAD MACHINERY, EQUIPMENT,
TOOLS, OR SUPPLIES THAT IS NOT NEEDED FOR PUBLIC USE, IS OBSOLETE,
OR IS UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED.**

PREAMBLE

WHEREAS, the Board of Trustees of Concord Township, Delaware County, Ohio ("Board") routinely has personal property, including motor vehicles, road machinery, equipment, tools, or supplies that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, which it desires to sell; and,

WHEREAS, the Board desires to sell that property by Internet auction; and,

WHEREAS, Ohio Revised Code §505.10(D) authorizes the Board to sell personal property, including motor vehicles, road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, by Internet auction.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED BY THE CONCORD TOWNSHIP BOARD OF TRUSTEES AS FOLLOWS:

SECTION 1. INTENT TO SELL PERSONAL PROPERTY BY INTERNET AUCTION

It is the intent of the Board to sell by Internet auction personal property, including motor vehicles, road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired.

When property is to be sold by Internet auction, the Board or its representative may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type of information shall be provided on the Internet at the time of the auction and may be provided before that time upon request, after the terms and conditions have been determined by the Board or its representative.

SECTION 2. BOARD REPRESENTATIVE

Todd Cooper, is hereby designated as and, for all purposes, shall act as the Board's representative(s) in conducting and/or administrating Internet auctions held pursuant to this

Resolution. He/she is hereby authorized to negotiate on behalf of the Board a contract with a contractor to conduct Internet auctions consistent with this Resolution.

SECTION 3. EFFECTIVE YEAR OF RESOLUTION

This Resolution is effective only for calendar year 2015.

SECTION 4. AUCTIONS TO BE CONDUCTED BY CONTRACTOR

The Board, having negotiated a contract, shall contract with GovDeals, Inc. ("GovDeals"), a Delaware corporation, having its principal place of business at 5907 Carmichael Place, Montgomery, Alabama 36117, to conduct the Internet auctions. The GovDeals representative assigned to the Board and his/her contact information is as follows:

Name: Greg Thomas
Title: Account Rep.
Region: _____
Address: _____

Telephone: _____
Cell: (937) 344-0286
Facsimile: _____

Email: gthomas@govdeals.com

SECTION 5. DESCRIPTION OF HOW AUCTIONS WILL BE CONDUCTED

Township owned personal property, including motor vehicles, road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired will be posted on an Internet-based auction system for sale for potential buyers to bid upon and purchase these items. The Internet site where the items are posted is owned, managed, and operated by a contractor known as GovDeals, Inc. ("GovDeals"). The Board will contract with GovDeals to post items and act as a representative of the Board to conduct the auction. Items will be listed for no less than the minimum number of days established by this Resolution.

GovDeals will charge a fee to the Board for items that are sold through GovDeal's Internet auction. For any items that are sold, GovDeals will charge a total fee of twelve and one half percent (12.5%) of the sales price. Of that fee, the Board pays zero percent (0%) and the winning bidder pays twelve and one half percent (12.5%). There is a minimum fee of Five Dollars (\$5.00).

The base fee of seven and one half percent (7.5%) is reduced as follows on sales where the sale price is greater than One Hundred Thousand Dollars (\$100,000.00):

1. Where an asset sells for more than \$100,000, and up to \$500,000 the GovDeals fee is seven and one-half percent (7.5%) of the winning bid up to \$100,000, plus five and one-half percent (5.5%) of the winning bid for auction proceeds in excess of \$100,000 up to \$500,000.
2. Where an asset sells for greater than \$500,000, and up to \$1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first \$100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next \$400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the bid amount in excess of \$500,000 up to \$1,000,000.
3. Where an asset sells for greater than \$1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first \$100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next \$400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the next \$500,000 of the winning bid, plus a fee of two and one-half percent (2.5%) of the bid amount in excess of \$1,000,000.

GovDeals shall collect such fees by collecting all proceeds due the Board from the winning bidder and remitting the proceeds to the Board less the GovDeals fee.

The Board may utilize other disposal approaches, including traditional auctioneer services or sealed bids. However, the Board may not utilize other disposal approaches for an asset at the same time the asset is listed on the GovDeals online auction site or sell by some other means to a prior bidder any item currently or previously listed on the GovDeals site for the purpose of avoiding payment of the GovDeals fee.

SECTION 6. MINIMUM NUMBER OF DAYS THAT PROPERTY WILL BE OFFERED

Personal property sold via Internet auction shall be offered for a minimum of ten (10) days including Saturdays, Sundays, and legal holidays.

SECTION 7. GENERAL TERMS AND CONDITIONS OF SALES

The following terms and conditions shall apply to all sales via Internet auction:

1. Guaranty Waiver. All assets are offered for sale "AS IS, WHERE IS." The Board of Trustees of Concord Township, Delaware County, Ohio and/or Concord Township, Delaware County, Ohio (Seller) make no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.
2. Description Warranty. Seller warrants to the Buyer the property offered for sale will conform to its description. Any claim for mis-description must be made prior to removal of the property. If Seller confirms the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the Seller shall

not exceed the actual purchase price of the property. Please note upon removal of the property, all sales are final.

3. **Personal and Property Risk.** Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the Seller and GovDeals from liability therefore.
4. **Inspection.** Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.
5. **Consideration of Bid.** Seller reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.
6. **Buyer's Certificate.** Successful bidders will receive a Buyer's Certificate by email from GovDeals.
7. **Buyers Premium.** If a Buyers Premium is shown on the auction page bidder box, then that amount (expressed as a percentage of the final selling price) will be added to the final selling price of all items in addition to any taxes imposed.
8. **Payment.** Payment in full is due not later than 5 business days from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website. Acceptable forms of payment are:
 - PayPal
 - Wire Transfer
 - Visa
 - MasterCard
 - American Express
 - Discover

PayPal and Credit Card purchases are limited to below \$5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than \$4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

9. **Removal.** All assets must be removed within ten (10) business days from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will Seller assume responsibility

for packing, loading or shipping. See special instructions on each asset page for removal details. A daily storage fee of \$10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

10. Vehicle Titles. Seller will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.
11. Default. Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, Seller may exercise such rights and may pursue such remedies as are provided by law. Seller reserves the right to reclaim and resell all items not removed by the specified removal date.
12. Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on GovDeals. Special Instructions appearing on the asset page will override certain sections of the terms and conditions.
13. State/Local Sales and/or Use Tax. Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.
14. Sales to Employees. Employees of the Seller may bid on the property listed for auction, so long as they do NOT bid while on duty.

SECTION 8. PUBLICATION

After adoption of this Resolution, notice of the Board's intent to sell unneeded, obsolete, or unfit-for-use township personal property by Internet auction shall be published in a newspaper of general circulation in the township (Delaware Gazette). The notice shall include a summary of the information provided in this Resolution and shall be published at least twice.

Notice may also be posted on the Board's Internet web site. If the notice is posted on the Board's web site, the second notice otherwise required to be published in a newspaper of general circulation in the township may be eliminated, provided that the first notice published in such newspaper meets all the following requirements:

- a) It is published at least two weeks before the Internet auction begins.
- b) It includes a statement that the notice is posted on the Board's Internet web site.
- c) It includes the Internet address of the Board's Internet web site.

- d) It includes instructions describing how the notice may be accessed on the Board's Internet web site.

SECTION 9. POSTING OF NOTICE

A notice similar to the published notice required by Section 8 of this Resolution shall be posted continually throughout the calendar year in a conspicuous place in the Board's office.

SECTION 10. ADOPTION

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 11. PRIOR RESOLUTIONS

This Resolution supersedes any Resolution of intent to sell personal property via Internet auction adopted by this Board prior to the effective date of this Resolution.

SECTION 12. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

Voted on and signed this 5th day of January, 20 15 in Concord Township, Delaware County, Ohio.

APPROVED AND ADOPTED THIS 5th DAY OF January, 20 15 BY:

**BOARD OF TRUSTEES, CONCORD TOWNSHIP,
DELAWARE COUNTY, OHIO,**



Township Trustee



Township Trustee



Township Trustee

**RESOLUTION EMPLOYING TOWNSHIP'S ATTORNEYS
ON AN ANNUAL BASIS FOR THE YEAR 2015**

WHEREAS, the Concord Township Board of Township Trustees ("Board") is authorized by Section 309.09(B) of the Revised Code to employ attorneys on an annual basis other than the prosecuting attorney to represent the Township and its officers, boards and commissions in their official capacities and to advise them on legal matters; and

WHEREAS, Section 309.09(B) of the Revised Code provides that no such attorney may be employed except on the order of the Board, duly entered upon its Journal, in which the compensation to be paid for the attorney's legal services shall be fixed; and

WHEREAS, the Board finds it necessary to appoint attorneys to counsel and represent the Township on an annual basis for calendar year 2015 in such matters as the Board or its designee may refer to them; and

WHEREAS, the Board has appropriated the sum of \$ 5,000.00 for legal services for 2015;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Concord Township, Delaware County, Ohio, that:

SECTION 1. Donald F. Brosius of Brosius, Johnson & Griggs, LLC and the law firm of Brosius, Johnson & Griggs, LLC, are hereby employed on an annual basis for calendar year 2015 as the Township's legal counsel to represent the Township and its officers, boards and commissions in their official capacities and to advise them in connection with such matters as may be referred to said Counsel by or on behalf of the Board or its designee.

SECTION 2. The compensation for such counsel during 2015 shall be paid as follows: \$205.00 per hour partner attorney time; \$185.00 per hour senior associate time; \$160.00 per hour associate time; \$90.00 per hour law clerk time; and \$75.00 per hour legal assistant time; plus out-of-pocket expense reimbursements; provided that the total compensation shall not exceed \$ 5,000.00 without further action by this Board.

SECTION 3. The attorneys may be discharged at any time by majority vote of the Board.

SECTION 4. The Township Fiscal Officer is directed to send a copy of this Resolution to the law firm.

SECTION 5. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.

SECTION 6. This Resolution shall take effect and be in force from and after the date of its adoption.

Adopted: January 5, 2015

**BOARD OF TRUSTEES
CONCORD TOWNSHIP
DELAWARE COUNTY, OHIO**

ATTEST:

Jeff Davis
Fiscal Officer

Karen Koe
Trustee

De Smith
Trustee

Paul Smith
Trustee

RESOLUTION/ORDINANCE as adopted for borrowing of sodium chloride/rock salt from Delaware County.

WHEREAS, sections 9.482 and 307.15 of the Ohio Revised Code provide authority for certain intergovernmental cooperation agreements between political subdivisions, including agreements for road maintenance materials and agreements to exercise any power, perform any function, or render any service for the contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to exercise, perform, or render; and

WHEREAS, Concord Twp. is in need of rock salt for snow and ice control on public roads; and

WHEREAS, Delaware County will loan salt through the 2014-15 Delaware County Salt Loan Program ("Program");

NOW, THEREFORE, Be it Resolved and/or Ordained by Board of Trustees intending to be legally bound unto Delaware County, that Concord Twp. hereby requests to borrow rock salt below and authorizes Todd Cooper to enter into agreement with Delaware County in accordance with the terms and conditions of the Program.

Karen Kurl
Paul J. Gifford
Brad Johnson

2014-15 DELAWARE COUNTY SALT LOAN PROGRAM

TERMS AND CONDITIONS

Purpose: The 2014-15 Delaware County Salt Loan Program ("Program") is established to provide up to 3,500 tons of rock salt available out of the Delaware County Engineer's Office (DCEO) salt inventory on a loan basis to any local road maintenance agency within Delaware County that is in need of salt for use on roads within the agency's jurisdiction.

Program Dates: The Program will run from the date of establishment to April 15, 2015.

Solicitation for Salt Requests: DCEO will solicit requests from agencies that have been unable to obtain sufficient quantities of rock salt for the winter of 2014-15. After all requests for salt are received, if total tonnage requested is less than the amount available, all requests will be fulfilled. If the total tonnage requested is more than the amount available, salt will be made available pro rata based on each agency's request through the usual purchasing contract of that agency compared to tonnage available, or in an amount determined by DCEO if the pro rata share calculation is not applicable. Agencies will then be notified of the amount of salt they can receive under this agreement.

If additional requests for salt are made to the County and if DCEO determines that additional salt is available to be loaned, the county may repeat the offering of salt in additional round(s) as described above.

Authority to Sign: The Delaware County Administrator is authorized to act on behalf of the Board of County Commissioners to enter into agreement with Borrowing agencies subject to the terms and conditions of this Program.

Legislation: Prior to picking up salt, Delaware County must receive a copy of the approved Program Agreement.

Salt Pick-Up Procedure: Borrowing agencies must pick up salt at the Delaware County Engineer's salt storage facility at 4020 U.S. 42 North, Delaware, Ohio. Salt will be weighed and loaded by County Engineer personnel. Borrower is required to provide trucking. DCEO anticipates salt will be available for pick up by December 1, 2014, provided that initial winter contract deliveries are received by the County.

Return of Borrowed Salt: Borrower shall return to the Delaware County Engineer's salt storage facility at 4020 U.S. 42 North, Delaware, Ohio, or other facility as directed by the DCEO, an equal amount of salt, measured by weight, in substantially the same condition, gradation and quality as the loaned salt, no later than April 15, 2015, plus payment of Handling Charges.

Alternate Form of Repayment: Alternatively, after making a good faith effort to return the borrowed amount of salt, if Borrower is unable to return the amount borrowed, Borrower shall repay Delaware County for the tons of salt borrowed in an amount equal to the following, plus Handling Charges, with payment due by June 1, 2015:

1. The price per ton obtained by the County in the 2015 ODOT cooperative summer fill-up contract, or
2. If County does not participate in the summer fill-up contract, the price per ton obtained by County in the 2015 ODOT cooperative winter contract; or,
3. If the County does not participate in either of the above contracts or is unable to obtain the amount of salt required to replace all salt borrowed by the Borrowers named in this agreement, the Borrower shall make repayment based on the market price for salt or other price deemed acceptable by the County.

Handling Charges: A handling charge of \$4.00 per ton of salt loaned under this agreement will be applied to each ton of salt loaned, which includes the cost of loading the loaned salt and the cost of stockpiling returned salt or new salt purchased to replace loaned salt.

Default: In the event Borrower has not submitted payment by June 1, 2015, the payment shall be made by the retention in the county treasury of the amounts due from taxes collected for the Borrower, and the County Auditor and County Treasurer all be governed by this payment provision in settling the accounts for such taxes.

RESOLUTION NO. 010515-7

AMENDED AND/OR RESTATED RESOLUTION OF THE BOARD OF TRUSTEES OF CONCORD TOWNSHIP, DELAWARE COUNTY, OHIO

The Concord Township Board of Trustees, Delaware County, Ohio met at a duly called and authorized meeting of the Board of Trustees on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Board members, and the following resolutions were made, seconded and adopted by those present at the meeting.

Mr. Garrett moved to adopt the following Resolution:

WHEREAS, the eligible employees of Concord Township Fire Department participate in the Ohio Police and Fire Pension Fund;

WHEREAS, the Concord Township Board of Trustees has previously adopted to pick-up two percent (2%) of the eleven and one-half percent (11.5%) mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for participating employees of Concord Township Fire Department who are members of the Ohio Police and Fire Pension Fund (including the Fire Chief);

WHEREAS, Ohio Police and Fire Pension Fund has adopted new procedures for reporting picked-up contributions in order to properly prepare 1099-R forms for its members;

WHEREAS, the Concord Township Board of Trustees wishes to reaffirm, amend and/or restate its prior resolution in order to continue the pick-up under the new procedures;

NOW, THEREFORE, BE IT RESOLVED, that effective as of *salary earned in the pay period beginning December 22, 2014*, the Concord Township Board of Trustees has determined to continue to pick-up zero percent (0%) of the eleven and one-half percent (11.5%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund by paying the contributions on behalf of the employee;

BE IT FURTHER RESOLVED, that said picked up contributions paid by the employer, even though designated as employee contributions for state law purposes, are being paid by the Concord Township Board of Trustees in lieu of said contributions by the employee;

BE IT FURTHER RESOLVED, that said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund;

RESOLUTION NO. 010515-7

BE IT FURTHER RESOLVED, that said picked up contributions will be included in the gross income of the employees for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund; and

BE IT FURTHER RESOLVED, that said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the Concord Township Board of Trustees to the Ohio Police and Fire Pension Fund.

Mr. Johnson seconded the motion to adopt this Resolution.

Vote:	Koch	<u>yes</u>
	Garrett	<u>yes</u>
	Johnson	<u>yes</u>

Dated this 5th day of January, 20 15.

Attest:

Jean Davis
Fiscal Officer

Board of Trustees:

Karen Koch
Garrett
Johnson