

The Board of County Commissioners, Brown County, Ohio, met in regular session this May 11, 2011 with the following members present:

Mr. Ralph Jennings, President
 Mr. William R. Geschwind, Vice President
 Mr. Rick Eagan, Member

IN THE MATTER OF PREVIOUS MINUTES

Motion moved by Mr. Eagan to approve the minutes of the previous regular meeting and dispense with the oral reading. Second: Mr. Geschwind.

ROLL CALL VOTE
 Mr. Eagan, yea
 Mr. Geschwind, yea
 Mr. Jennings, yea

IN THE MATTER TO APPROVE BILLS

Motion moved by Mr. Geschwind to approve the following bills for payment. Second: Mr. Eagan.

ROLL CALL VOTE
 Mr. Eagan, yea
 Mr. Geschwind, yea
 Mr. Jennings, yea

A00	COUNTY	\$ 65,363.99
B01	DOG & KENNEL	\$ 1,356.66
K60	EMERGENCY MANAGEMENT	\$ 36.75
J01	REAL ESTATE ASSESSMENT	\$ 43.68
A25	E-911 % SALES TAX	\$ 2,378.70
C60	CERTIFICATE OF TITLE ADM FUND	\$ 700.52
H10	CHILD SUPPORT ENFORCEMENT AGENC	\$ 1,772.22
A10A	AIRPORT GRANTS	\$ 2,000.00
M50	YOUTH SERVICE SUBSIDY	\$ 1,159.00
M60	FELONY DELINQ CUSTODY & CARE	\$ 2,250.00
T10	COMMUNITY DEVELOPMENT & BLOCK G	\$ 11,568.28
P34	SOLID WASTE DISTRICT/HB 592	\$ 15,240.83
T88	GEAR UP GRANT	\$ 6,827.58
C45	COMMON PLEAS SPECIAL WORKS	\$ 308.10
C79	INTENSIVE PROBATION PROGRAM	\$ 197.56
C81	COMMON PLEAS PROBATION	\$ 89.97
A70	CONCEALED HANDGUN LICENSE FUND	\$ 750.00
A35	LAW LIBRARY RESOURCES FUND	\$ 554.51
K01	AUTO & GAS	\$ 20,006.32
H01	JOB & FAMILY SERVICES	\$ 24,804.59
S50	CHILDRENS SERVICES	\$ 14,467.17
B15	INDIGENT DRIVERS ALCOHOL (IDA)	\$ 1,500.00
C80	PROBATION SERVICES FUND	\$ 1,844.90
C90	SPECIAL PROJECTS FUND MUNICIPAL	\$ 945.00
	TOTAL	\$176,166.13

IN THE MATTER OF SUPPLEMENTAL
 APPROPRIATION – SEWER & WATER
 DISTRICT

Motion moved by Mr. Geschwind to approve the request of Jean Rickey, Clerk, for a supplemental appropriation of unappropriated P34 (Sewer & Water District) in the amount of \$11,280.00 into P34-16b. Second: Mr. Eagan.

ROLL CALL VOTE
 Mr. Eagan, yea
 Mr. Geschwind, yea
 Mr. Jennings, yea

IN THE MATTER OF SUPPLEMENTAL
 APPROPRIATION – COUNTY GENERAL FUND

Motion moved by Mr. Geschwind to approve the request of Alesha Crawford, Chief Deputy Clerk, Brown County Clerk of Courts, for a supplemental appropriation of unappropriated A00 (County General Fund) funds in the amount of \$4,587.63 into 2E2 (Payroll). Second: Mr. Eagan.

(Continued on next page)

May 11, 2011

ROLL CALL VOTE
 Mr. Eagan, yea
 Mr. Geschwind, yea
 Mr. Jennings, yea

IN THE MATTER OF APPROPRIATION
 CHANGE – COUNTY GENERAL FUND

Motion moved by Mr. Eagan to approve the request of the Board Members of the Brown County Board of Elections for the following appropriation change. Decrease 3A6A (Pollworkers) in the amount of \$1,529.00 and increase 3A4 (Equipment) in the amount of \$1,529.00. Second: Mr. Geschwind.

ROLL CALL VOTE
 Mr. Eagan, yea
 Mr. Geschwind, yea
 Mr. Jennings, yea

IN THE MATTER OF RESOLUTION -
 ANNEXATION OF 156.559 ACRES
 STERLING TOWNSHIP TO MT ORAB
 VILLAGE

Motion moved by Mr. Geschwind to adopt the following resolution. Second: Mr. Eagan.

ROLL CALL VOTE
 Mr. Eagan, yea
 Mr. Geschwind, yea
 Mr. Jennings, yea

RESOLUTION # 05112011

A RESOLUTION GRANTING PETITION FOR THE ANNEXATION OF
 156.559 ACRES OF LAND INTO THE VILLAGE OF MT. ORAB

WHEREAS, pursuant to Sections 709.02, 709.21, and 709.023 of the Ohio Revised Code, an annexation petition for the annexation of 156.559 acres of unincorporated land located in Sterling Township, Brown County, Ohio, into the Incorporated Village of Mt. Orab, was filed with the Clerk of the Board of Commissioners on the April 7th, 2011.

WHEREAS, proof of the service of the notice of the filing of the petition of annexation upon all necessary landowners, the of Pike Township and the Clerk of the Village of Mt. Orab within five (5) days of the date of filing has been presented to the Board of Commissioners;

WHEREAS, the Village of Mt. Orab has, within twenty (20) days of the filing date, adopted a Resolution pursuant to Section 709.023 (C) of the Revised Code;

WHEREAS, the consent of the Village of Mt. Orab and the Board of Trustees for Pike Township is presumed as neither has filed a timely resolution or ordinance consenting to or objecting to the proposed annexation;

WHEREAS, the Board of Commissioners have examined the petition and find the same to be proper in all respects; and

WHEREAS, the Brown County Board of County Commissioners met in regular session on this 11th day of May, 2011, at the office of said Board, with the following members being present:

May 11, 2011

BE IT HEREBY RESOLVED that the petition for the annexation of 156.559 acres of land located in the unincorporated area of Sterling Township, Brown County, Ohio, into the Incorporated Village of Mt. Orab, Ohio, filed with the Clerk of this Board on the 11th day of May 2011, be and hereby is, adopted.

Rick Eagan seconded the adoption of the resolution and the roll being called upon its adoption, the vote resulted as follows:

<u>Ralph Jennings</u> Ralph Jennings	<input checked="" type="radio"/> yea, <input type="radio"/> nay
<u>William R. Geschwind</u> William R. Geschwind	<input checked="" type="radio"/> yea, <input type="radio"/> nay
<u>Rick Eagan</u> Rick Eagan	<input checked="" type="radio"/> yea, <input type="radio"/> nay

ATTESTED TO:
This 11th day of May 2011

Jean Rickey
Jean Rickey, Clerk
Board of Commissioners
Brown County Ohio

IN THE MATTER OF PROCLAMATION
CLICK IT OR TICKET

Motion moved by Mr. Eagan to adopt the following proclamation. Second: Mr. Geschwind.

Proclamation Click it or Ticket

*By the
Brown County Board of Commissioners
Georgetown, OH*

- WHEREAS,** the safety and security of the citizens of Brown County, Ohio and surrounding areas are vitally important; and
- WHEREAS,** a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and
- WHEREAS,** the use of seat belts in passenger vehicles saved an estimated 12,713 lives in 2009; and
- WHEREAS,** regular seat belt use is the single most effective way to protect people and to reduce fatalities in motor vehicle crashes; and
- WHEREAS,** the use of seat belts is supported by the laws of Ohio;
- WHEREAS,** May 23 through June 5, 2011, has been selected as the national *Click It or Ticket* mobilization enforcement period; and
- WHEREAS,** across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes;
- AND WHEREAS,** increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

NOW, THEREFORE, We, the Brown County Board of Commissioners, do hereby proclaim and announce May 23 to June 5, 2011, as the *Click It or Ticket* Mobilization in Brown County, Ohio, and urge all citizens to always wear seat belts when driving or riding on our roadways.

IN WITNESS WHEREOF, We have hereunto set our hands on behalf of Brown County, Ohio.

May 11, 2011

IN THE MATTER TO AWARD BID - 2011
AGGREGATE MATERIALS TRUCKING -
BROWN COUNTY ENGINEER

Motion moved by Mr. Geschwind to award the 2011 Aggregate Material Trucking Bid: Rob Drake Trucking, PO Box 35, Georgetown, Ohio upon the recommendation of Todd Cluxton, Brown County Engineer. His was the best and only bid received. Second: Mr. Eagan.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

IN THE MATTER TO AWARD BID – 2011
AGGREGATE MATERIAL – BROWN COUNTY
ENGINEER

Motion moved by Mr. Eagan to award the 2011 Aggregate Material Bid: Hanson Aggregates, 4281 Roush Road, Hillsboro, Ohio 45133 upon the recommendation of Todd Cluxton, Brown County Engineer. His was the best and only bid received. Second: Mr. Geschwind.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

IN THE MATTER OF SUPPLEMENTAL
APPROPRIATION – BROWN COUNTY
COMMON PLEAS LEGAL RESEARCH

Motion moved by Mr. Geschwind to approve the request of Joni Dotson, Common Pleas Court Administrator, for a supplemental appropriation of C41 (Common Pleas Legal Research) funds in the amount of \$5,000.00 into C41-8 (Contract Services). Second: Mr. Eagan.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

IN THE MATTER OF SUPPLEMENTAL
APPROPRIATION – BROWN COUNTY
COMMON PLEAS COURT

Motion moved by Mr. Eagan to approve the request of Joni Dotson, Brown County Common Pleas Court Administrator, for a supplemental appropriation of C45 (Common Pleas Special Works) funds in the amount of \$10,000.00 into C45-4 (Equipment). Second: Mr. Geschwind.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

IN THE MATTER TO RECESS

Motion moved by Mr. Geschwind to recess the meeting at 2:15 p.m. to attend a meeting with the Board of Hospital Trustees at the Brown County General Hospital. Second: Mr. Eagan.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

IN THE MATTER TO RECONVENE

Motion moved by Mr. Eagan to reconvene the meeting at 2:45 p.m. to conduct further business. Second: Mr. Geschwind.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

May 11, 2011

IN THE MATTER OF RESOLUTION –
SALE OF BROWN COUNTY HOSPITAL

Motion moved by Mr. Geschwind to adopt the following resolution. Second: Mr. Jennings.

RESOLUTION NO. 05112011

SALE OF REAL ESTATE USED BY BROWN COUNTY GENERAL HOSPITAL.

The Board of County Commissioners of Brown County, Ohio, met on the 11th day of May, 2011, in regular session at the offices of said Board of Hospital Trustee's at the Brown County General Hospital in Georgetown, Ohio, with the following members present:

Ralph Jennings, President
William R. Geschwind, Vice President
Rick Eagan, Member

The following resolution was presented by Mr. Geschwind, who moved its adoption, and seconded by Mr. Jennings.

WHEREAS, the Board of County Commissioners was advised by Board of Trustees of Brown County General Hospital, ("Hospital Trustees") that the financial condition and operations of the Brown County General Hospital, d/b/a Brown County Regional HealthCARE, ("Hospital"), has deteriorated to the point where there is doubt as to the ability of the Hospital and continue as an ongoing concern; and

WHEREAS, the Board of County Commissioners finds the real estate used by the Hospital ("Real Estate"), as identified further described in Exhibit A, attached hereto and fully incorporated herein, is no longer needed for public use pursuant to R.C. §307.09; and

WHEREAS, after much consideration, the Board of County Commissioners, in conjunction with the Hospital Trustees had issued two Requests for Proposal for Acquisition of Assets and Operations ("RFP") of Hospital, pursuant to which it initiated a competitive bidding process to enable the Real Property owned by Brown County, Ohio ("County") and used by the Hospital, identified and further described in Exhibit A, attached, and the assets and operations of the Hospital, to be sold, and/or otherwise disposed of, subject to the right of the Board of County Commissioners to reject any and all bids received; and

May 11, 2011

WHEREAS, the Board of County Commissioners and Hospital Trustees having previously received a number of proposals, including proposals from Essent Healthcare, Inc., and Falcon Investors, LLC, but was unable to negotiate final documentation or consummate a transaction with either of such entities; and

WHEREAS, on December 8th, 2010, the Board and Hospital Trustees subsequently issued an RFP to again solicit proposals for the acquisition of assets and operations of the Hospital, that best accommodated the three goals of the Board as set forth below:

- 1) maintaining a full service acute care general hospital in Brown County to serve the residents of the community and surrounding areas;
- 2) maintaining jobs at the Brown County General Hospital to the extent consistent with the needs of the facility's operations; and
- 3) using reasonable efforts to protect the General Fund of the County from exposure for Hospital obligations;

WHEREAS, in response to the December 8th, 2010 RFP, Southwest Healthcare Services, LLC, ("Southwest"), delivered a proposal dated January 6, 2011 ("Proposal"), for the acquisition of the assets and operations of the Hospital, including the Real Estate used by the Hospital. Said Proposal was the only response to the RFP.

WHEREAS, the Board of County Commissioners and Hospital Trustees has determined the Proposal best meets the requirements of the RFP and goals of the Board of County

Commissioners, and, on or about January 27th, 2011, executed a Letter of Intent with Southwest to negotiate an Asset Purchase Agreement ("APA");

WHEREAS, the Board of County Commissioners finds that Southwest has agreed to assume all liabilities of the Hospital, indemnify the Board of County Commissioners for any claims or losses, and will provide a secured promissory note in the amount of three hundred thousand dollars (\$300,000.00) for the funds owed by the Hospital to the County; and

WHEREAS, the Board of County Commissioners has retained and will reserve as an interest in the Real Estate, a perpetual Right of First Refusal;

May 11, 2011

WHEREAS, the Board of County Commissioners has concluded its due diligence duty and finds that Southwest is the highest responsible bidder pursuant to R.C. 307.10; and

WHEREAS, the parties have agreed upon a definitive APA, marked as Exhibit B, attached hereto and fully incorporated herein, that best meets the goals of the Board of County Commissioners and is consistent with its duties under the laws of Ohio; and

WHEREAS, the Hospital Board of Trustees in its resolution of May 11th, 2011, has recommended to the Board of County Commissioners that the transaction with Southwest be concluded; and

WHEREAS, the Board of County Commissioners finds it in the best interest of Brown County to sell the Real Estate to Southwest; and

THEREFORE, BE IT RESOLVED, by the majority of the Board of County Commissioners of Brown County, Ohio, that on the above findings, it hereby adopts, approves, authorizes, and confirms, the sale of the Real Estate to Southwest, as such transaction is described in the APA, and BE IT FURTHER RESOLVED the President of the Board of County Commissioners is hereby appointed and authorized to execute and deliver at closing, any and all documents to consummate the sales transaction with Southwest, including but not limited to the APA, Limited Warranty Deeds, and any and all security agreements or instruments.


Upon call of the roll:

Ralph Jennings *yea*
William R. Geschwind *yea*
Rick Eagan *na*

Whereupon the resolution was declared adopted.

Adopted this 11th day of May, 2011.

ATTEST:



Jean Rickey, Clerk
Board of County Commissioners
Brown County, Ohio

May 11, 2011

ADOPTED:

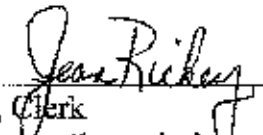
APPROVED AS TO FORM:
JESSICA A. LITTLE, PROSECUTOR
BROWN COUNTY, OHIO

By: 
Jessica A. Little
Prosecuting Attorney

Date: May 11, 2011

CERTIFICATE OF CLERK

The undersigned hereby certifies that the foregoing is a true and correct copy of the Resolution adopted by the Board of County Commissioners of Brown County, Ohio, on this 11th day of May, 2011.


Jean Rickey, Clerk
Board of County Commissioners
Brown County, Ohio

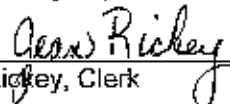
- 5/10/11
The Commissioners attended the Brown County Farm Bureau Policy Development meeting held at the Brown County Fairgrounds in Georgetown, Ohio.
- The Commissioners attended the BET/LEPC meeting held at the EMA Office in Georgetown, Ohio.
- Commissioner Ralph Jennings attended the Brown County Safe Communities meeting held in Georgetown, Ohio.
- The Commissioners met with Jessica Little, Brown County Prosecutor, to discuss the possible sale of the Brown County General Hospital.
- The Commissioners and Lisa Spiller, Assistant Clerk, attended the 9th Annual Support the Troops Rally held at the Ohio Veterans Home in Georgetown, Ohio.
- The Commissioners attended the Brown County Health Department meeting held at the Brown County Communication Center.
- 5/11/11
The Commissioners met with Kathy Jones, Director, Brown County Board of Elections and Kathy Long, employee of the Brown County Board of Elections, to discuss operation of the Brown County Board of Elections.
- The Commissioners met with Rob Wilson, Director, Brown County Communication Center, to discuss operation of the Brown County Communication.
- The Commissioners met with Andrew Dunn, Dog Warden, Brown County Animal Shelter, to discuss operation of the Brown County Animal Shelter.
- Commissioner William R. Geschwind met with Jason Pietrzyk, Progressive Insurance, regarding a title to a vehicle damaged.
- The Commissioners met with Jessica Little, Brown County Prosecutor, to discuss the possible sale of the Brown County General Hospital.


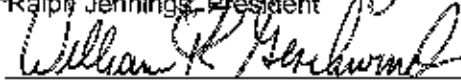
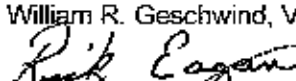
IN THE MATTER TO ADJOURN

Motion moved by Mr. Eagan to adjourn this meeting with no further business before the Board this day May 11, 2011. Second: Mr. Geschwind.

ROLL CALL VOTE
Mr. Eagan, yea
Mr. Geschwind, yea
Mr. Jennings, yea

Approval: May 16, 2011


Jean Rickey, Clerk


Ralph Jennings, President

William R. Geschwind, Vice President

Rick Eagan, Member

May 11, 2011