



EXECUTIVE COMMITTEE MEETING

JUNE 7, 2024

Buckeye Hills Regional Council

AGENDA

- I. **Call to Order** | Ron Moore, Vice President
- II. **Roll Call** | James Booth, Treasurer
- III. **Consent Agenda** | Ron Moore, Vice President **TAB #1**
- IV. **The Manufacturing Advocacy & Growth Network (MAGNET)** | Janelle Lee, Director
of Client Engagement **TAB #2**
- V. **BHRC Section 125 Premium Only Plan** | Angie Lawrence, HR Manager **TAB #3**
- VI. **Legislator and Partner Agency Updates**
- VII. **Ratification of Expenditure Request** | Denise Keyes, Fiscal Director **TAB #4**
- VIII. **Planning Division Update** | Melissa Zoller, Planning Director **TAB #5**
 - a. Annual Review of the Coordinated Transportation Plans
 - b. RTP0 Surface Transportation Block Grant (STBG) Round 3 and Round 4 Project Approval
- IX. **Executive Director Report** | Melissa Zoller, Planning Director **TAB #6**
- X. **Citizen Participation**
- XI. **Other Business**
- XII. **Adjournment**

THE NEXT MEETING IS SCHEDULED FOR JULY 5, 2024 BUT IF THERE IS NO BUSINESS TO BRING BEFORE THE COMMITTEE THE MEETING WILL BE CANCELLED.

**Minutes of the May 3, 2024
Buckeye Hills Regional Council Executive Committee Meeting**

The Buckeye Hills Regional Council (BHRC) Executive Committee meeting was held May 3, 2024. The meeting was held at Buckeye Hills, Marietta, Ohio.

In attendance were:

OFFICERS:	Lenny Eliason, President	Athens County
	Ron Moore, Vice President	Morgan County (Private Sector)
	James Booth, Treasurer	Washington County
	Chasity Schmelzenbach, Secretary (non-voting member per Bylaws)	BHRC Executive Director

EXECUTIVE COMMITTEE:	Steve Patterson	City of Athens
	Jason D'Onofrio	Hocking County
	Allen Fraley	Noble County
	Mick Schumacher	Monroe County Alternate
	Adam Shriver	Morgan County
	Bev Trovato	Perry County (Private Sector)
	Josh Schlicher	City of Marietta

GENERAL POLICY COUNCIL:	Kevin Ritter	Washington County
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GUESTS:	Kaleb Knowlton	Office of U.S. Senator Brown
	Susanne Simpson	Office of Auditor of State Faber
	Amanda Sutphin	OhioSE
	Erin Stevens	SOPEC
	Luke Sulfridge	SOPEC
	Diane Burkhart	Monroe County

STAFF:	Jen Huck	Fiscal Assistant
	Denise Keyes	Fiscal Director
	Angie Lawrence	HR & Payroll Manager
	Kylee Nichols	Development Specialist
	Sam Miller	Development Director
	Kimy Porter	Fiscal Assistant
	Jenny Simmons	Executive Assistant
	Drew Tanner	Communications Director
	Eric Wade	Senior Planner
	Jennifer Westfall	Aging & Health Director
	Emma Yeager	Development Specialist II
	Melissa Zoller	Planning Director

CALL TO ORDER

Lenny Eliason, President, called the meeting to order.

ROLE CALL

Chasity Schmelzenbach conducted roll call.

CONSENT AGENDA

James Booth moved to approve the consent agenda which included the minutes from the March 1, 2024 meeting; Statement of Activities; Administrative Expense YTD; Quarterly Budget Adjustments; Aging and Disability Programs Services and Funding Report for period July 1, 2023 through March 31, 2024, and Division and Director's Reports. Allen Fraley seconded the motion. All yeas. Motion carried.

MANAGEMENT COMMITTEE UPDATE

James Booth moved to approve the Management Committee Report for March 2, 2024 to May 3, 2024. Jason D'Onofrio seconded the motion. All yeas. Motion carried.

Adam Shriver moved to approve the updated organizational chart. Allen Fraley seconded the motion. All yeas. Motion carried.

Steve Patterson moved to approve the updated Employee Handbook. Jason D'Onofrio seconded the motion. All yeas. Motion carried.

James Booth moved to approve the insurance renewals with a start date of July 1, 2024. Mick Schumacher seconded the motion. All yeas. Motion carried.

Jason D'Onofrio moved to approve the staff appreciation gifts, certificates and resolutions to be presented to the staff later in the month. Steve Patterson seconded the motion. All yeas. Motion carried.

Allen Fraley moved to approve the ratification of expenditure for cleaning services in the amount of \$25,760.00. Adam Shriver seconded the motion. All yeas. Motion carried.

LEGISLATIVE & PARTNER AGENCY UPDATES

Susan Simpson, Southeast Regional Liaison, Office of Auditor of State Faber, presented Buckeye Hills with the Ohio Auditor of State Award for fiscal year 2023. Chasity Schmelzenbach and Denise Keyes received the award on behalf of Buckeye Hills.

Kaleb Knowlton, Appalachian Regional Representative, Office of U.S. Senator Brown, provided updates to the committee.

Amanda Sutphin, Ohio Southeast Regional Talent Coordinator, OhioSE introduced herself to the committee.

AGING & HEALTH DIVISION UPDATE

James Booth moved to approve the renewal of contract service agreement for dietician services to support the Older Americans Act programming in the amount of \$53.00 per hour not to exceed 250 hours for contract period of July 1, 2024 to June 30, 2025. Jason D'Onofrio seconded the motion. All yeas. Motion carried.

Ron Moore moved to approve the Nation Committee for Quality Assurance (NCQA) Accreditation Request for Proposals to seek accreditation to support the BHRC's transition to MyCare for the contract support period starting July 1, 2024 until December 31, 2026 in the amount not to exceed \$60,000. Jason D'Onofrio seconded the motion. All yeas. Motion carried.

DEVELOPMENT DIVISION UPDATE

Jason D'Onofrio moved to approve the resolution granting permission to apply for a Communities Sparking Investments in Transformative Energy grant. Mick Schumacher seconded the motion. All yeas. Motion carried.

Sam Miller, Development Director presented the SWOT analysis outreach and results that came from the Buckeye Hills Forward meetings held around the region.

Miller announced that the BHRC's Appalachian Regional Commission Pre-Application is open on the BHRC website. Pre-Apps are due by May 31, 2024.

PLANNING DIVISION REPORT

Steve Patterson moved to approve the Resolution to Approve FY2025 RTPO Work Plan presented by Melissa Zoller. Adam Shriver seconded the motion. All yeas. Motion carried.

Jason D'Onofrio moved to approve the STBG Round 3 and Round 4 Projects. Steve Patterson seconded the motion. All yeas. Motion carried.

Zoller announced that the Monroe County Transportation Advisory Committee meeting is scheduled for May 22, 2024 at 9:00 a.m. at Generations Complex in Woodsfield, Ohio.

Zoller also announced that the BHRC RTPO Committee meeting scheduled for May 22, 2024 at 11:30 am following the Ohio Public Works Commission (OPWC) Executive & Integrating Committee meeting that begins at 10:00 am.

EXECUTIVE DIRECTOR REPORT

Chasity Schmelzenbach provided announcements, current initiatives, state updates and federal updates to the members:

- **Announcements:**
 - Congratulations to Judy Kuhn, RN, BHRC Assessor, for being inducted into the Washington State College of Ohio Phi Theta Kappa Honor Society International.
 - Convention(al) Wisdom: A Primer on Ohio's Ethics and Election Laws is scheduled for May 9, 2024 from 1:30 – 4:30 p.m. at Bricker Graydon's office located in Columbus, Ohio.
 - Heritage Ohio is looking for the next great Ohio Main Street Community. The deadline to apply is May 10, 2024. More information and the link to apply can be found in the Executive Director's report included in the meeting binder.
 - Twelfth Annual Appalachian Ohio State of the Region Conference is May 14, 2024 at the Baker University Center, Athens, Ohio.
- **Current Initiatives:**
 - **Appalachian Community Grant Program Update:** On May 6, the State Controlling Board is expected to meet and approve the next award in the Appalachian Community Grant Program. Ohio Governor Mike DeWine is out announcing dozens of transformational projects throughout the region including the Ross County project that included these BHRC projects representing about \$38M of that:
 - City of Athens Central Business District Beautification Project City of Athens (Athens) Award Amount: \$6,564,071.
 - Mount Zion Baptist Church Rehabilitation City of Athens (Athens) Award Amount: \$7,043,674.
 - Southeast Ohio History Center Building Upgrades & Repairs City of Athens (Athens) Award Amount: \$2,639,453.
 - Village of Chauncey Main Street (Converse Street) Streetscape Revitalization Village of Chauncey (Athens) Award Amount: \$1,964,135.
 - Monroe Theatre Restoration/Renovation Village of Woodsfield (Monroe) Award Amount: \$4,607,200.

- Chesterhill Auction Site Improvements Village of Chesterhill (Morgan) Award Amount: \$977,635.
- Gateway to the Heart of Hocking Hills: Revitalizing Downtown Logan (three projects) City of Logan (Hocking) Award Amount: \$14,328,481.
- BHRC staff is working with Cas Maxwell to submit an application to the TechCred Program.
- State Updates:
 - Legislature announced housing initiatives.
 - ODNR NatureWorks Applications are due June 1, 2024.
 - Meat Processing Grants are due June 3, 2024.
 - Oho Township Safety Sign Grant due June 7, 2024.
- Federal Updates:
 - Safe Streets and Roads for All (SS4A) FY 2024 funding opportunities.
 - Applications for Appalachian Leadership Institute are due June 1, 2024.
 - ARC Appalachian Regional Energy Hub Applications due July 24, 2024.

A discussion to provide guidance on support letters was held among members. The guidance from the board was split regarding letters of support that may also conflict with the interest of the jurisdictions in the region. Therefore, the guidance for letters of support stands at the discretion of the Executive Director and in situations she believes there may be a conflict, no letter will be issued.

CITIZEN PARTICIPATION

No citizens present wished to address the committee.

ADJOURNMENT

With no other business, James Booth moved to adjourn the meeting. Jason D’Onofrio seconded the motion. All yeas. Motion carried.

Approved By: _____
Chasity Schmelzenbach, Secretary

Date: _____



STATEMENT OF ACTIVITIES

July 1, 2023 through April 30, 2024

Year to Date Administrative Expense Detail

Administrative Expenses for Fiscal Year 2024 totaled \$5,371,124.83 at April 30. This total represents 81.90% of the Council's administrative budget utilized. Total spending for this time period is budgeted to be 83%. Individual line-item budgets and expenses are monitored monthly to ensure funds are utilized appropriately and budget revisions are requested from funding agencies as needed. The cumulative Indirect Cost rate for this period is 47%. Projected Total Indirect Costs for Fiscal Year 2024 are 46%.

Aging and Disability Programs Services & Funding Report

The Aging and Disability Division worked with various service providers and helped administer a multitude of direct service programs to eligible residents of our eight-county region. Between July 1 and April 30, more than \$12 million in direct service dollars were utilized to provide the units of service listed in the report. BHRC continues to support our provider network to evaluate the needs of the communities and serve area seniors in the best way possible.



Administrative Expense Detail
For the Period July 1, 2023 - April 30, 2024

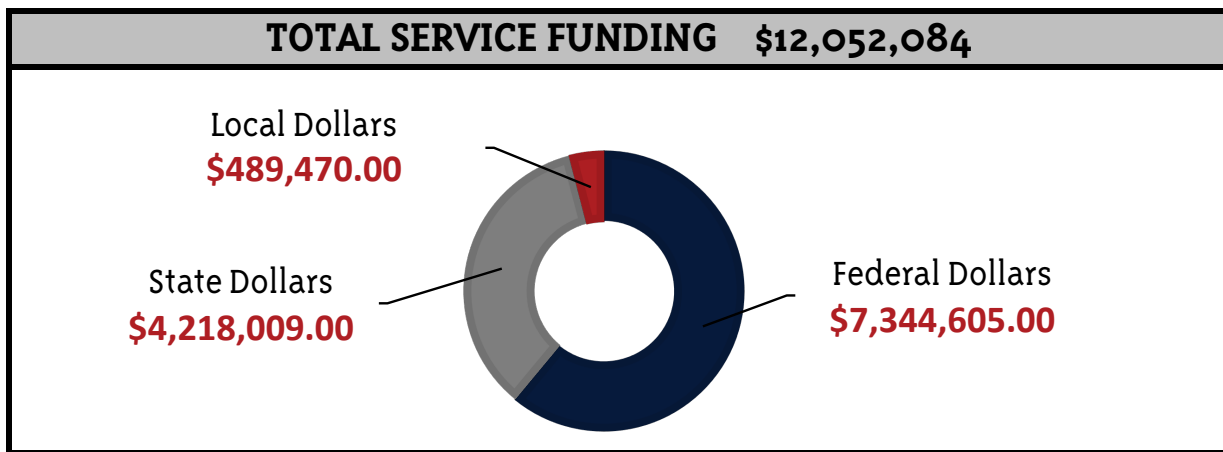
	2023 YTD Actual	2024 YTD Actual	2024 Budget	% of Budget
Salary	\$ 2,669,742.86	\$ 2,712,136.83	\$ 3,268,476.71	82.98%
Fringe Benefits	\$ 1,152,780.13	\$ 1,340,030.87	\$ 1,749,214.57	76.61%
Advertising	\$ 194,389.74	\$ 196,023.67	\$ 214,643.00	91.33%
Audit Costs	\$ 36,983.20	\$ 62,492.70	\$ 62,500.00	99.99%
Building Maintenance	\$ 10,992.30	\$ 10,301.27	\$ 11,500.00	89.58%
Communications	\$ 81,636.85	\$ 72,952.68	\$ 84,550.00	86.28%
Conference Registration Fee	\$ 43,995.00	\$ 36,921.55	\$ 56,700.00	65.12%
Contract Services	\$ 38,751.83	\$ 93,315.66	\$ 105,770.00	88.23%
Employee/Governing Board	\$ 25,762.26	\$ 21,032.27	\$ 24,000.00	87.63%
Equipment Purchase/Maintenance	\$ 19,248.43	\$ 55,773.52	\$ 56,500.00	98.71%
Insurance	\$ 39,575.92	\$ 61,694.74	\$ 61,700.00	99.99%
Legal Costs	\$ 2,167.50	\$ 2,207.50	\$ 3,000.00	73.58%
Organizational Dues	\$ 48,798.57	\$ 37,500.90	\$ 40,000.00	93.75%
Other Costs	\$ 17,547.15	\$ 17,653.37	\$ 18,200.00	97.00%
Postage	\$ 13,000.00	\$ 9,054.10	\$ 11,000.00	82.31%
Printing Costs	\$ 18,403.91	\$ 7,701.49	\$ 8,000.00	96.27%
Software & Licenses	\$ 91,914.76	\$ 93,974.68	\$ 115,315.00	81.49%
Space	\$ 212,784.13	\$ 212,784.03	\$ 255,342.00	83.33%
Staff Training Fees	\$ 15,636.73	\$ 14,091.14	\$ 15,000.00	93.94%
Subscriptions	\$ 7,604.39	\$ 9,270.16	\$ 9,500.00	97.58%
Supplies	\$ 104,754.32	\$ 76,595.93	\$ 130,875.00	58.53%
Travel - Mileage Reimbursement	\$ 88,943.27	\$ 129,275.76	\$ 150,698.00	85.78%
Travel - Out of Town Expense	\$ 8368/9.54	\$ 98,340.01	\$ 105,698.00	93.04%
TOTAL EXPENSES FOR THE PERIOD	\$ 4,935,413.25	\$ 5,371,124.83	\$ 6,558,182.28	81.90%
INDIRECT COST RATE FOR THE PERIOD	48%	47%		

Buckeye Hills Regional Council

Aging and Health Programs Services & Funding Report

July 1, 2023 - April 30, 2024

SERVICES PROVIDED		
Direct Service Hours Provided	Transportation Trips	Adult Day Service Days Attended
299,814	14,628	2,374
Adult Day Service Miles Traveled	Meals Provided	Home Medical Equipment & Emergency Response Units
24,286	229,184	1,388
Legal Services Contacts	Home Accessibility Modification And Pest Control Jobs	Senior Farmers Market Coupons Redeemed
700	61	20,965
Grocery Shopping and Delivery	Telephone Reassurance	Evidence Based Classes
479	724	5,811
Assisted Living Days	Alzheimers Education Contacts	Senior Volunteer Hours
11,417	215	19,892



REGIONAL STATS		
Total Consumers Served	Total Population	Total Population Eligible for Services by Age (60+)
5,431	249,172	65,746

WellSky Training | Aging Team members attending WellSky Training in Kansas City during in late April. Individuals met with WellSky staff, received technical assistance and learned about upcoming changes to the WellSky system. Buckeye Hills Regional Council (BHRC) utilizes WellSky for program support, data collection and demographic reporting and tracking.

NCQA Accreditation | The RFP for NCQA Accreditation will be live as of May 31st. This accreditation is being completed to streamline BHRC work within MyCare. The process for accreditation should take approximately 18 months.

MyCare Transition | The MyCare transition continues. Several of the members of BHRC staff attended a two-day training with the Ohio AAA network to discuss the future of MyCare and what may be done to prepare for the transition. Director Corcoran from the Ohio Department of Medicaid was a key speaker at the event. The current MyCare AAAs will transition to MyCare 2.0, January 1 of 2026 with the non-MyCare AAAs following later.

2024 Senior Farmers Market | Applications are live and available on the BHRC's website and also available for pick up and can be mailed when requested.

- Funds provided by the Ohio Department of Aging include:

Traditional SFM funding consumers:	1482	Funding:	\$74,139
ARPA SFM funding:	<u>762</u>	Funding:	<u>\$39,100</u>
Totals:	2244		\$113,239

- BHRC has approximately **875** individuals on waitlists over the 8-county region.

- Number of individuals able to be served (by county):

Athens:	490	Hocking:	255
Meigs:	256	Monroe:	174
Morgan:	196	Noble:	206
Perry:	328	Washington:	654

PASSPORT AND ASSISTED LIVING CASELOAD REGIONWIDE

- Current PASSPORT caseload is **784 individuals and 57 individuals** on the Assisted Living Waiver.

CONTACT: Jenn Westfall, Aging and Health Director | jwestfall@buckeyehills.org, 740-376-1038
 Dawn Weber, Home Care Director | dweber@buckeyehills.org, 740-376-1041

PROGRAM UPDATES

HEAP Outreach | The Summer Crisis Program begins July 1 and ends September 30. Quarter page newspaper ads have been purchased across our eight counties to promote Summer Crisis in July-August. Social media continues to be used to promote the program weekly.

Aging Outreach | Library Initiative: In an effort to reach more older adults and seniors, bookmarks have been made displaying our aging programs with contact information and a QR code linking back to our website. These bookmarks are being delivered to all 30 library branches in our region. Librarians are encouraged to share our resources with any older adults that visit and may need assistance. The bookmarks are being displayed at checkout and at various tables.

Outreach has been underway at events across our region. Most recently, we attended:

- Noble County Community Baby Shower- May 16- Noble County

Upcoming events include:

- Meigs Co. Elder Abuse Awareness Day- June 12- Meigs County
- Perry County Elder Abuse Awareness Day- June 14- Perry County

If there is an upcoming outreach event in your community that we should attend or a civic group that would like to have a speaker on Aging topics, please contact Amanda Reeder at areeder@buckeyehills.org.

PASSPORT Promotion | The outreach campaign that began in April with newspaper advertising continues in May and June with an email, streaming, and digital advertising push across all eight counties through LocalIQ (Gannet, USA Today) targeted toward 20,000-40,000 potential eligible individuals and caregivers in our region. Approximately 5,000 individuals who interact with the digital advertising will receive a postcard in the mail encouraging them to call our 800 number to learn more about PASSPORT and schedule an assessment. This will dovetail into a television ad campaign on WTAP that began in mid-May and continues through mid-June, which will air over 200 30-second commercials that will reach households in Washington, Noble, and Morgan counties, as well as a radio campaign targeting Noble and Monroe counties through KC105.

Medicare Outreach | General Medicare posts and information on Extra Help, Medicare Savings Programs, and Preventative Services run on a weekly basis across our social media channels. Medibag prescription bags are being passed out in the following pharmacies: B&W Pharmacy in Beverly, Shriver's Pharmacy in Logan, Bellwood Drugs in Woodsfield, Fruth Pharmacy in Pomeroy, Davis Drug in Caldwell, and Shriver's Pharmacy in McConnellsville. A Facebook ad campaign promoting the Extra Help program is up and running through August 31. To date, we've seen 43,716 impressions with a reach of 9,472 individuals.

CURRENT INITIATIVES

Appalachian Ohio State of the Region Conference | Once again, we assisted with the organization and promotion of the annual Appalachian Ohio State of the Region Conference hosted by the Ohio University

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Voinovich School of Leadership and Public Service. BHRC coordinated and moderated a panel on Downtown Revitalization featuring Black Diamond Development's Bret Adams, Caldwell councilman Jeff Minosky, Zanesville Mayor Don Mason, and Warren Director of Public Safety and Service Eddie Colbert. The conference had a capacity of attendance of 300 local leaders and state and federal partners, as well as 120 virtual attendees. A recording of the conference is available online at sotr.ohio.edu.

CONTACT INFO: Drew Tanner, Communications Director | dtanner@buckeyehills.org | 740-376-1030

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CURRENT INITIATIVES

Buckeye Hills to Submit Application to C-SITE | Issued by the U.S. Department of Energy (DOE)'s Office of State and Community Energy Programs (SCEP), Communities Sparking Investments in Transformative Energy (C-SITE) is funded through SCEP's Local Government Energy Program (LGEP). It provides an anticipated \$18 million for local governments to implement municipally high-impact clean energy projects in disadvantaged communities, energy communities, small- and medium-sized jurisdictions, and Tribal communities. Buckeye Hills will submit the Building Efficiency in Appalachian Downtowns (BEAD) Fund. This project will be working with community organizations in Appalachia and small jurisdictions to weatherize, modernize, and increase energy efficiency in privately held buildings in central downtowns. The direct outcome will be to cut energy costs, increase private investment that will allow for further leveraging of funding to revitalize downtowns. On May 29, BHRC applied for a total project cost of \$3,231,742.

NEWS

Program & Service Updates

Appalachian Community Grant Program Updates | During the month of May, Ohio Governor Mike DeWine, Lt. Governor Jon Husted, Ohio Department of Development Director Lydia Mihalik, and Governor's Office of Appalachia Director John Carey announced dozens of major economic development projects in Ohio's Appalachian region through the Appalachian Community Grant Program that will expand access to local waterways, revitalize historic riverfront downtowns, raise the area's profile as a travel destination and improve the quality of life for local residents. In total, communities in the Buckeye Hills region were awarded more than \$132 million through the various rounds and initiatives of the Appalachian Community Grant Program. A summary of the recent awards and project description is available in the news section of our website, buckeyehills.org. Our Development Division is also preparing a comprehensive overview of all implementation and technical assistance funding that BHRC communities received, including technical assistance provided through the council, the Mayors' Partnership for Progress, and the Ohio Department of Development's procured planners. These will be shared during our upcoming round of Return on Investment meetings with BHRC members in July and August.

Appalachian Ohio State of the Region Conference Recording Available | Buckeye Hills Regional Council Development staff joined 300 local leaders, plus 100 online attendees, at Tuesday's Appalachian Ohio State of the Region Conference hosted by the Voinovich School of Leadership and Public Service. Panelists from our region included Caldwell Village Councilman and Noble County Convention and Visitors Bureau Director Jeff Minosky, Bret Adams of Black Diamond Development, and Tasha Werry of Building Bridges to Careers. BHRC Development Specialist Brad Peoples moderated the day's lead-off session on Downtown Revitalization. The agenda also featured representatives from our partners at OhioSE, JobsOhio, the Governor's Office of Appalachia, the Appalachian Regional Commission, and the U.S. Economic Development Administration. If you missed the conference or wish to revisit the content, you can visit sotr.ohio.edu for recordings of the conference sessions.

Workforce Development Grant Opportunity for the Appalachian Region | The U.S. Department of Labor will award up to \$1.5 million to awardees to help affected communities develop local and regional workforce development solutions. These solutions must align with existing economic development strategies to create new, sustainable jobs and long-term economic vitality. Grants are intended to produce quality employment outcomes for Appalachian workers, enabling them to stay and thrive in their communities. View the grant opportunity at grants.gov under funding opportunity FOA-ETA-24-08. The deadline is June 20, 2024.

Appalachian Gateway Communities Initiative | Staff and members of the community attended the Appalachian Gateway Communities Initiative workshop in Decatur, AL. This workshop is sponsored (is that the right word) by ARC and the Conservation Fund. The team presented their project idea – Ohio's Appalachian Foothills Corridor. This corridor will serve as a gateway to connect public lands to enhance access and increase economic activity. We hope

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to connect the four million yearly visitors of Hocking Hills to the broader Southeast Ohio region. A map of the project area is provided.

STAFF UPDATES

- **Michelle Hyer** has been working closely with Jada Riley, Development Specialist, on Ohio Public Works Commission (OPWC) and the Community Development Block Grant (CDBG) Allocation program for Meigs County. Michelle has also been attending the award announcements for Appalachian Community Grant Program (ACGP) and working with staff on unfunded projects. She has also been working with staff on the Appalachian Regional Commission (ARC) and CDBG Allocation programs for Washington County.
- **Kylee Nichols** has been working on an application for the DOE's Communities Sparking Investment in Transformative Energy (C-SITE) funding opportunity with Sam, as well as working on BHRC's Appalachian Gateway Communities Initiative project. Kylee is continuing to get out into our communities, meet lots of people, and make lots of connections.
- **Brad Peoples** is focusing on OneOhio as it is unfolding at a more rapid pace. The technical needs are now in place to begin operating an application - grant - scoring - performance process that should lead to Region 12 receiving funding to address this crisis. Region 12 is ready to begin training on how to use the online portal needed to score applications. We will be using our own proprietary scoring metrics as a guide to navigate the scoring process, and submit scores to the OneOhio Foundation folks.
- **Jada Riley** has been gathering data needs and writing content for the 2025 Comprehensive Economic Development Strategy due April 2025 entitled Buckeye Hills Forward: A Regional Economic Plan. Jada has also been preparing for the next round of OPWC funding, FY 26 Round 39. The first Integrating & Executive Committee Meetings were held on May 22nd where committee members were re-appointed and the Evaluation Criteria was approved. Finally, Jada has been preparing to submit applications for Meigs County 2024 CDBG Allocation due June 12th.
- **Emma Yeager** has been answering a bunch of questions from our communities about the ARC pre-application and working on the Buckeye Hills Recreation Corridor AGCI project.

CONTACT: Sam Miller, Development Director | smiller@buckeyehills.org | 740-376-1028

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NEWS

Program & Service Updates

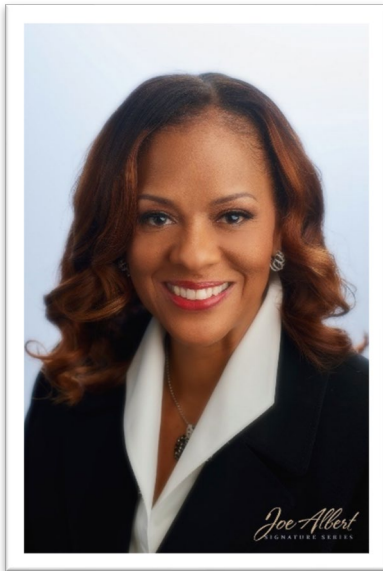
- The RTPO is engaged with ODOT in the beginning phases of the Ohio Maritime Plan.
- Online application for ODOT Municipal Bridge opens on July 1, 2024 due on August 15, 2024
- NEVI Planning Workshop June 10, 2024 from 10 am-12pm at MORPC in Columbus
- Drive Ohio event June 27, 2024 from 11 am-12pm at the Athens Community Center
- HB519 Clean Ohio Fund for Brownfield Remediation -Restore Clean Ohio Fund

Staff Updates

- **Melissa Zoller** participated in the ARC Arise Transportation Planning Stakeholder meeting at the Voinovich School. She, Eric and Jesse Roush of the Southeastern Ohio Port Authority participated in a stakeholder discussion with CPC Strans Consultant regarding the Maritime study being completed for ODOT. She attended and participated in a panel discussion at the 2024 Ohio Brownfield Conference. She took part in an RPO America Peer Exchange Learning Experience with Peers relating to RTPO.
- **Christa Myers** attended the Ohio Mobility Manager conference in Newark, Ohio with other Region 8 mobility managers, the Transit Retreat in Erie, PA, the Appalachian State of the Region at Ohio University, and ARC's ARISE Transportation Stakeholder meeting at the Voinovich School. Many of our counties have Transit Development Studies funded by ODOT and she participated Meigs County's first meeting with Toole Design and has shared information about the current Athens Public Transit survey. She is working on our first Region 8 Transportation/Mobility newsletter with the help of mobility managers and will hand off the project to BHRC Communications Team at the end of May. She is working with Eric Wade, Lead Planner, on accessing transit data in our region. She is preparing for our next quarterly meeting with Region 8 mobility managers which will be held at BHRC on Tuesday, June 18 and organizing membership, with the help of R8 mobility, of our new Transportation/Mobility Advisory/Steering Committee for the work on writing the regional Coordinated Transportation Plan.
- **Eric Wade** attended the Ohio Traffic Safety Summit in Columbus, OH. He is currently working on an ongoing GIS collaborative effort with the GRIT steering committee to address the needs of transportation and childcare in the Appalachian region. He is currently developing a GIS childcare facilities dashboard for Buckeye Hills LDD. He and Melissa are working on the EDA project in Athens and multiple ODOD projects in Noble and Hocking Counties. He and Melissa also hosted an RTPO TAC meeting. He is also finalizing the data collection for the CEDS document and created multiple GIS products for the regional transportation plan. Eric is also finalizing the fair housing document due at the end of June.
- **Kelly Isaly and Julia Hinzman** – Julia attended the Mobility Management Conference in Newark. Kelly and Julia have been working on updates to the Coordination Transportation Plan (CTP) for Monroe, Noble, and Washington Counties. They held their Transportation Advisory Committee (TAC) meeting for the fifth quarter and the public meeting to review CTPs with updates due to ODOT at the end of June. They have been assisting Noble County during the transition from Southeast Area Transit (SEAT) to Morgan County Public Transit. They both continue to attend community meetings and events to promote Mobility Management. The work continues with the transit study in Washington County. As part of the study, Kelly and Julia also participated in a field trip to Delaware County along with the transit and city to view their model for changes.

CONTACT: Melissa Zoller, Planning Director | mzoller@buckeyehills.org | 740-376-1027

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Janelle Lee comes to Manufacturing Advocacy & Growth Network (MAGNET) with a wealth of experience in community and economic development with an interest and passion for executing and cultivating business partnerships to help communities, businesses and people grow and thrive.

Janelle started with MAGNET in February 2020 as the Director of Client Engagement. She operates and manages the Canton Technology and Innovation Center located at the Canton Regional Chamber of Commerce and is responsible for outreach, client engagement and executing strategies to grow the manufacturing economic impact and MAGNET revenue in Northeast Ohio that includes 14 counties.

Prior to relocating to Stark County, Janelle was an economic developer in the greater Cincinnati region, focusing on several economic, community and urban revitalization initiatives and projects. Janelle also executed and managed strategies for recruiting international manufacturing companies for expansion and/or co-location to the greater Cincinnati region.

Janelle is currently a board member for the Stark County Minority Business Association (SCMBA), Sisters of Charity Foundation of Canton, United Way of Greater Stark County, and the Downtown Canton Landbank Board (DCLB.) She also serves on the Advisory Committee for the Federal Reserve Bank of Cleveland and Chair of the Black College Football Hall of Fame Classic CEO Committee. She is an advisory committee member for Aultman College and recently served on the Malone University President's Advisory Council. Janelle is a member of Alpha Kappa Alpha Sorority, Incorporated and a member of the Kent Area Chapter of the The Links, Incorporated.

Janelle received an Associate Degree in Applied Business from the University of Cincinnati and a Bachelor of Science in Business Management from Union Institute & University.

**AMENDED AND RESTATED
Buckeye Hills Regional Council
SECTION 125 PREMIUM ONLY PLAN**

EFFECTIVE PLAN YEAR July 01, 2024

RESTATED ORIGINAL PLAN January 19, 2010

WHEREAS, Buckeye Hills Regional Council (the "Employer") sponsors one or more benefit plans that provide "qualified benefits" within the meaning of Section 125 of the Internal Revenue Code of 1986; and

WHEREAS, the Employer previously adopted the Buckeye Hills Regional Council Section 125 Premium Only Plan (the "Plan");

WHEREAS, the Employer retained the right to amend the Plan pursuant to Section 7.1 of the Plan; and

WHEREAS, the Employer desires to amend and restate the Plan in its entirety.

NOW, THEREFORE, effective July 01, 2024 the Employer hereby adopts the Client Section 125 Premium Only Plan (the "Plan") to read as follows:

Article 1. Introduction.

- 1.1 **Purpose of Plan.** The Employer adopts the Plan. The purpose of this Plan is to provide Participants with a choice between cash compensation and Optional Benefit Coverages.
- 1.2 **Cafeteria Plan Status.** This Plan is intended to qualify as a "cafeteria plan" under Section 125 of the Internal Revenue Code of 1986, as amended, and is to be interpreted in a manner consistent with the requirements of Section 125. The Administrator is authorized to take any and all actions which it deems to be appropriate to maintain the Plan in compliance with the provisions of Section 125 of the Code as a "Cafeteria plan" including modification or revocation of elections hereunder.

Article 2. Definitions.

- 2.1 **"Administrator"** means the Employer or such other person or committee as may be appointed from time to time by the Employer to supervise the administration of the Plan. The Employer shall be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the plan. In the event an Administrator has not been appointed, or resigns from an appointment, the Employer shall be deemed to be the Administrator.
- 2.2 **"Adopting Employer"** means an entity that adopts the Plan with the approval of the Employer. In order to be an Adopting Employer, the entity must be member of a controlled group of corporations with an Employer, as defined in Section 414(b) of the Code, all trades and businesses (whether or not incorporated) which are under common control, as defined in Section 414(c) of the Code, any member of an affiliated service group, as defined in Section 414(m) of the Code, and any other entity which is required to be aggregated with an Employer under Section 414(o) of the Code. The effective date of adoption by an Adopting Employer shall be the date specified in the resolution approving the adoption.
- 2.3 **"Affiliated Employer"** means the Employer and any corporation which is a member of a controlled group of corporations (as defined in Code Section 414(b)) which includes the Employer; any trade or business (whether or not incorporated) which is under common control (as defined in Code Section 414(c)) with the Employer; any organization (whether or not incorporated) which is a member of an affiliated service group (as defined in Code Section 414(m)) which includes the Employer; and any other entity required to be aggregated with the Employer pursuant to Treasury regulations under Code Section 414(o). A list of affiliated employers can be found in the Adoption Agreement.
- 2.4 **"Benefit Coverage Period"** means the period during which a Participant is eligible under any Optional Benefit Coverage.
- 2.5 **"Code"** means Section 125 of the Internal Revenue Code of 1986, as amended or replaced from time to time. Reference to any section or subsection of the Code includes reference to any regulations there under and any comparable or succeeding provisions of any legislation which amends, supplements or replaces such section or subsection.
- 2.6 **"Coverage Period"** means the Plan Year.
- 2.7 **"Dependent"** means any individual who is so defined under an Insurance Contract or who is (i) a Qualifying Child (within the meaning of Code Section 152(c), subject to the exceptions of Code Section 152(b)) or Participant's child (within the meaning of Code Section 152(f)(1)) who has not attained age 27 as of the end of the taxable year, or (ii) a Qualifying Relative who qualifies as a dependent under an Insurance Contract or under (within the meaning of Code Section 152(d), subject to the exceptions of Code Section 152(b)) (as modified by Code Section 105(b)), as applicable. Certain provisions of "Michelle's Law," in which the

requirement that a Dependent child have a full-time status in order to extend coverage past a stated age, will generally not apply if the child's failure to maintain full-time status is due to a medically necessary leave of absence or other change in enrollment (such as a reduction of hours). Notwithstanding anything in the Plan to the contrary, the Plan will comply with Michelle's Law.

- 2.8 **"Effective Date"** means January 19, 2010. The restated effective date means July 01, 2024.
- 2.9 **"Eligible Employee"** means any Employee who has satisfied the provisions of the Section titled: "Eligibility". However, 2% shareholders as defined under Code Section 1372(b) and self-employed individuals as defined under Code Section 401(c) shall not be eligible to participate in this Plan. An individual shall not be an "Eligible Employee" if such individual is not reported on the payroll records of the Employer as a common law employee. In particular, it is expressly intended that individuals not treated as common law employees by the Employer on its payroll records are not "Eligible Employees" and are excluded from Plan participation even if a court or administrative agency determines that such individuals are common law employees and not independent contractors.
- 2.10 **"Election Period"** means the period immediately preceding the beginning of each Plan Year established by the Administrator for the election of Benefits and Salary Redirections, such period to be applied on a uniform and nondiscriminatory basis for all Employees and Participants. However, an Employee's initial Election Period shall be determined pursuant to the Section titled: "Initial Elections".
- 2.11 **"Employee"** means any common law employee of the Employer or Adopting Employer. Employee will not include an independent contractor, consultants, leased employee, 2% shareholder of an S-Corporation, a partner in a partnership or an owner or member of a limited liability company that elects partnership status on its tax return, or an individual who is self-employed (including partner) in accordance with Code Section 401(c). Any such determination of an individual's status as an Employee will be made solely by the Employer without regard to whether any determination by an agency, governmental or otherwise, or court concludes that such classification or characterization was in error.
- 2.12 **"Employer"** means the Government Entity or any such entity specified in Item 1 of the Adoption Agreement, and any Affiliated Employer (as defined in the Article titled: "Definitions"), that adopts this Plan; and any successor, that maintain this Plan; and any predecessor that has maintained this Plan.
- 2.13 **"Health Savings Account"** means an account established in accordance with Code Section 223(d) to which part of any Eligible Employee's Salary Redirection amounts may be allocated.
- 2.14 **"Highly Compensated Employee"** means, for the purposes of determining discrimination, an Employee so described in Code Section 125 and the Treasury Regulations thereunder.
- 2.15 **"HSA Trustee"** means the designated Trustee (as defined under Code Section 223(d)(1)(B)) of any Trust

established for qualifying account beneficiaries who elect to establish a Health Savings Account.

- 2.16 **"Insurance Contract"** means any contract issued by an Insurer underwriting a Benefit, or any self-funded arrangement providing any Benefit offered for health and welfare coverage to Eligible Employees of the Employer.
- 2.17 **"Insurance Premium Payment Plan"** means the plan of benefits contained in the Section titled: "Benefit Options" of this Plan, that provides for the payment of Premium Expenses.
- 2.18 **"Insurer"** means any insurance company that underwrites a Benefit or any self-funded arrangement under this Plan.
- 2.19 **"Key Employee"** means any person who is a key employee, as defined in Code Section 416(i)(1), with respect to the Employer.
- 2.20 **"Optional Benefit Coverages"** means the coverage option(s) available to a Participant as set forth in the eligible benefit plans sponsored by Buckeye Hills Regional Council. In addition, to the extent Buckeye Hills Regional Council sponsors an eligible high deductible health plan, contributions to a health savings account by the Participant are included in Optional Benefit Coverages.
- 2.21 **"Participant"** means any eligible individual who participates in the Plan in accordance with Article 3.
- 2.22 **"Plan"** means this cafeteria plan named the Buckeye Hills Regional Council Section 125 Premium Only Plan, including all amendments thereto.
- 2.23 **"Plan Year"** means the twelve (12) month period commencing July 01 and ending June 30 or means the 12-month period beginning and ending on the dates specified in the Adoption Agreement. The Plan Year shall be the coverage period for the Benefits provided for under this Plan. In the event a Participant commences participation during a Plan Year, then the initial coverage period shall be that portion of the Plan Year commencing on such Participant's date of entry and ending on the last day of such Plan Year.
- 2.24 **"Salary Redirection"** means the contributions made by the Employer on behalf of Participants in accordance with the Section titled: "Salary Redirection". These contributions shall be allocated to the funds or accounts established for cost of applicable Benefits provided under the Plan pursuant to the Participants' elections made under the Article titled: "Participation".
- 2.25 **"Spouse"** means "spouse" as defined in an Insurance Contract, then, for purposes of coverage under that Insurance Contract only, "spouse" shall have the meaning stated in the Insurance Contract. In all other cases, "spouse" shall have the meaning stated under applicable federal or state law.
- 2.26 **"Waiting Period"** means the period during which an otherwise Eligible Employee is ineligible to participate in the Plan because he or she has not met the eligibility requirements in Article 3.

All other defined terms in this Plan shall have the meanings specified in the various Articles of the Plan in which

they appear.

Article 3. Participation.

- 3.1 **Eligibility.** As to each Benefit provided hereunder, any Eligible Employee shall be eligible to participate as of the date he or she satisfies the eligibility conditions set forth in the policy or plan providing such Benefit (the "Eligibility Requirements"), the provisions of which are specifically incorporated herein by reference.
- 3.2 **Effective Date of Participation.** (a) An Eligible Employee shall become a Participant effective as of the later of the date on which he or she satisfies the Eligibility Requirements of the Plan or the Effective Date of this Plan. (b) If an Eligible Employee terminates employment after commencing participation in the Plan, except as otherwise provided in the applicable policy or plan providing a Benefit, and such terminated Eligible Employee is rehired within 30 days or less of the date of termination of employment, such rehired Eligible Employee shall not be considered a newly eligible employee and will be reinstated with the same election(s) such individual had before termination. If a terminated Eligible Employee is rehired more than 30 days following termination of employment and is otherwise eligible to participate in the Plan, the individual shall be treated as a newly Eligible Employee and may make a new election under procedures otherwise set forth within this section or the Section titled: "Initial Elections" below as applicable.
- 3.3 **Application to Participate.** An Employee who is eligible to participate in this Plan may, during the applicable Election Period, complete an Election to Participate form that the Administrator shall furnish to the Employee. The Election to Participate form is an irrevocable election made by the Employee to redirect and reduce taxable compensation to cover the Employee's applicable cost of Benefits elected, which shall be applicable until the end of the current Plan Year, unless the Participant is entitled to change his or her Benefit elections pursuant to the Section titled: "Revocation or Change of Election by the Participant during the Coverage Period". Such election shall be effective for the first pay period beginning on or after the Employee's effective date of participation pursuant to the Section titled: "Effective Date of Participation".
- 3.4 **Cessation of Participation.** A Participant will cease to be a Participant as of the earlier of (a) the date on which the Plan terminates, (b) the end of the Participant's Benefit Coverage Period, or (c) the date the Participant ceases to be an Eligible Employee, subject to the provisions of the Section titled: "Termination of Employment", or his or her death.
- 3.5 **Termination of Employment.** If a Participant terminates employment with the Employer for any reason other than death, his or her participation in the Plan shall cease, subject to the Participant's right to continue coverage under any Insurance Contract for which premiums have already been paid or any other ability to continue participation in a Health Savings Account pursuant to Code Section 223. When an Employee ceases

to be a Participant, the cafeteria plan must pay the Employee any amount the Employee previously paid for coverage or Benefits to the extent the previously paid amount relates to the period from the date the Employee ceases to be a Participant through the end of that Plan Year.

- 3.6 **Reinstatement of Former Participant.** A former Participant who meets the requirements for an Eligible Employee will become a Participant again if and when he or she becomes an Eligible Employee, subject to the completion of any applicable Waiting Period and upon proper enrollment as prescribed by the Administrator.

Article 4. Contributions to the Plan.

- 4.1 **Salary Redirection.** Benefits under the Plan shall be financed by Salary Redirections sufficient to support Benefits that a Participant has elected hereunder and to pay the Participant's Premium Expenses. The salary administration program of the Employer shall allow each Participant to agree to reduce his or her pay during a Plan Year by an amount determined necessary to purchase the elected Benefit and to pay the Participant's Premium Expenses. The amount of such Salary Redirection shall be specified by the Plan Sponsor and shall be applicable for a Plan Year. Notwithstanding the above, for new Participants, the Salary Redirections shall only be applicable from the first day of the pay period following the Employee's entry date up to and including the last day of the Plan Year. These contributions shall be allocated to the funds or accounts established under the Plan pursuant to the Participants' elections made in accordance with the Article titled: "Participation".
- Any Salary Redirection shall be determined prior to the beginning of a Plan Year (subject to initial elections pursuant to the Section titled: "Initial Elections") and prior to the end of the Election Period and shall be irrevocable for such Plan Year. However, a Participant may revoke a Benefit election after the Plan Year has commenced and make a new Election to Participate (or decline participation on the Election to Not Participate form) with respect to the remainder of the Plan Year, if both the revocation and the new election are on account of and consistent with a change in status and such other permitted events as determined under the Article titled: "Optional Benefit Coverages" of the Plan and consistent with the rules and regulations of the Department of the Treasury. Salary Redirection amounts shall be contributed on a pro rata basis for each pay period during the Plan Year. All individual Election forms are deemed to be part of this Plan and incorporated herein by reference.
- 4.2 **Application of Contributions.** As soon as reasonably practical after each payroll period, the Employer shall apply the Salary Redirections to provide the Benefits elected by the affected Participants. Any contributions made or withheld from an Employee's compensation, pursuant to the Employee's signed Election to Participate for the Health Savings Account shall be credited to such account. Amounts designated for the Participant's Premium Expense Reimbursement Account shall likewise be credited to such account for the purpose of paying Premium Expenses.
- 4.3 **Periodic Contributions.** Notwithstanding the requirement provided above and in other Articles of this Plan that Salary Redirections be contributed to the Plan by the Employer on behalf of an Employee on a level and pro rata basis for each payroll period, the Employer and Administrator may implement a procedure in which Salary Redirections are contributed throughout the Plan Year on a periodic basis that is not pro rata for each payroll period. In the event Salary Redirections are not made on a pro rata basis, upon termination of participation, a Participant may be entitled to a refund of such Salary Redirections pursuant to the Section titled: "Termination of Employment".

Article 5. Optional Benefit Coverages.

5.1 **Coverage Options.** Each Participant may choose under this Plan to receive his or her full compensation in cash or to have all or a portion of such compensation applied by the Employer toward the cost of the Optional Benefit Coverages elected by the Participant. The Employer may select suitable health and hospitalization Insurance Contracts for use in providing health Benefits, which policies will provide uniform benefits for all Participants electing this Benefit.

5.2 **Description of Optional Benefit Coverages.** While the election of Optional Benefit Coverages may be made under this Plan, the coverages and benefits elected by Participants will be provided not by this Plan but by the applicable benefit plans governing the Optional Benefit Coverages. The types and amounts of benefits available under each benefit plan, the requirements for participating in such benefit plan, and the other terms and conditions of coverage and benefits under such benefit plan are as set forth from time to time in such benefit plan's plan document. See component plan documents for benefit coverage details. If offered by employer and elected by participant, the following group plans are available for pretax salary deduction contributions under this plan:

- | | |
|---|--|
| a) Medical Insurance | Coverage |
| b) Dental Insurance | i) Long-term Disability and Short-term Disability Coverage |
| c) Vision Insurance | j) Premiums for Individual Coverage Health Reimbursement Arrangement (ICHRA) |
| d) Prescription Drug Coverage | k) 401(k) Contributions |
| e) Health FSA | l) Any other allowable benefits under Section 125 |
| f) Dependent Care FSA | |
| g) Health Savings Account (HSA) Contributions | |
| h) Accidental Death & Dismemberment | |

5.3 **Nondiscrimination Requirements**

- (a) It is the intent of this Plan to provide benefits to a classification of Employees that the Secretary of the Treasury finds not to be discriminatory in favor of the group in whose favor discrimination is prohibited under Code Section 125 or applicable Regulations thereunder.
- (b) If the Administrator deems it necessary, in order, to avoid discrimination or possible taxation to Highly Compensated Employees, Key Employees or a group of employees in whose favor discrimination is prohibited by Code Section 125, it may, but shall not be required to, reduce contributions or non-taxable Benefits in order to assure compliance with this section. Any act taken by the Administrator under this section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reduce contributions or non-taxable Benefits, it shall be done in the following manner. First, the non-taxable Benefits of the affected Participant (either an employee who is highly compensated or a Key Employee, whichever is applicable) who has the highest amount of non-taxable Benefits for the

Plan Year shall have his or her non-taxable benefits reduced until the discrimination tests set forth in this Section are satisfied or until the amount of his or her non-taxable Benefits equals the non-taxable Benefits of the affected Participant who has the second highest amount of non-taxable Benefits. This process shall continue until the nondiscrimination tests set forth in this Section are satisfied. With respect to any affected Participant who has had Benefits reduced pursuant to this Section, the reduction shall be made proportionately among all insured Benefits. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and deposited into the Plan surplus.

- 5.4 **Non-Tax Dependent Coverage.** a. If (i) Employee Salary Redirections are made to fund Benefits under the Plan, and (ii) the Employer allows a Participant to elect to cover a Non-Tax Dependent through the Participant's coverage under group Medical, Dental or Vision benefit(s), a Participant who elects to participate in the Salary Redirection program may pay on a pre-tax basis through salary reduction contributions the Participant's portion of the premium cost of coverage under the Employer's Medical, Dental or Vision Benefits, provided that the full fair market value of such Medical, Dental or Vision coverage for any such Non-Tax Dependent shall be includible in the Participant's gross income as a taxable benefit in accordance with applicable federal income tax rules. For purposes of this Plan, the Participant electing coverage for Non-Tax Dependent(s) shall be treated as receiving, at the time that coverage is received, cash compensation equal to the full fair market value of such coverage and then as having purchased the coverage with after-tax employee contributions. b. Notwithstanding the foregoing, no medical care or dependent care expenses incurred by or with respect to a Non-Tax Dependent of a Participant shall be eligible for reimbursement as eligible expenses under the Health Flexible Spending Account or Dependent Care Flexible Spending Account.
- 5.5 **No Financial Responsibility for Optional Benefit Coverages.** In no event will the Employer or any of its affiliates or subsidiaries or any of their agents, directors, employees, consultants, insurers or owners have any obligation whatsoever to provide any actual benefits or cost reimbursements under Optional Benefit Coverages as a result of this Plan. The Employer's sole and exclusive obligation under this Plan is to collect from Participants compensation reductions elected hereunder.
- 5.6 **Election of Optional Benefit Coverages in Lieu of Cash.** A Participant may elect under this Plan, in accordance with the procedures described in Sections 5.7 through 5.11, to receive one or more Optional Benefit Coverages to the extent available to the Participant under terms of such plans. If a Participant elects an Optional Benefit Coverage for a Coverage Period, the Participant is required to pay the employee portion of the cost of such coverage. Such share will be paid by a reduction in the Participant's regular compensation for the Coverage Period. In the event that the Participant's compensation during any pay period is insufficient in amount to pay the Participant's share of the monthly cost of such Optional Benefit Coverage by compensation

reduction, the Employer has no responsibility under this Plan to cover, pay or advance on behalf of the Participant any such shortfall and the Participant must make immediate arrangements with the plan administrator of such Optional Benefit Coverage to pay such shortfall on an after-tax basis.

- 5.7 **Election Procedure.** Prior to the commencement of each Coverage Period, the Administrator will provide (or make available) a means of election to each individual who is eligible to become a Participant at the beginning of the applicable Coverage Period, i.e. an "Open Enrollment". Each Participant who desires to elect an Optional Benefit Coverage available for the Coverage Period must specify in his or her election during Open Enrollment. The election will be effective as of the first day of the Coverage Period. The Participant must agree to a reduction in his or her compensation equal to the employee portion of the cost of the Optional Benefit Coverages elected. Each election must be made on or before such date and in such manner as the Administrator specifies. If a Participant fails to complete an election form for this Plan but elects an Optional Benefit Coverage, such Participant will be deemed to have elected to pay such employee portion of the cost of benefits on a pre-tax basis.
- 5.8 **New Participants.** Upon becoming a Participant mid-year, the Administrator will provide the means of election described in Section 5.7 to such participant. If the individual desires one or more Optional Benefit Coverages for the balance of the Coverage Period, the individual must specify in his or her election. The Participant shall agree to a reduction in his or her compensation equal to the cost of the Optional Benefit Coverages elected. Each election must be made on or before such date and in such manner as the Administrator specifies. Compensation reductions and elections will become effective as of the first day of the first Benefit Coverage Period specified by the Administrator following completion of the enrollment and election process.
- 5.9 **Initial Elections.** An Employee who meets the Eligibility Requirements of the Plan on the first day of, or during, a Plan Year may elect to participate in this Plan for all or the remainder of such Plan Year, provided he or she elects to do so before his or her effective date of participation pursuant to the Section titled: "Effective Date of Participation", or for a newly eligible Employee, no more than 30 days after their date of hire. For any such newly Eligible Employee, if coverage is effective as of the date of hire, such Employee shall be eligible to participate retroactively as of their date of hire. Newly Eligible Employee Election amounts will be collected the first pay period on or after his or her election was received. However, if such Employee does not complete an application to participate and a benefit election form and deliver them to the Administrator before such date, his or her Election Period shall extend 30 calendar days after such date, or for such further period as the Administrator shall determine and apply on a uniform and nondiscriminatory basis. However, any election during the extended 30-day election period pursuant to this Section shall not be effective until the first pay period following the later of such Participant's effective date of participation pursuant to the Section titled:

"Effective Date of Participation" or the date of the receipt of the election form by the Administrator, and shall be limited to the Benefit expenses incurred for the balance of the Plan Year for which the election is made. Any failure to elect the Benefits set forth herein shall constitute an Employee's election to not participate in the Plan during that Plan Year until a valid election is otherwise made in the manner set forth herein.

5.10 Subsequent Annual Elections

- (a) A Participant will automatically be enrolled in subsequent plan years unless the Participant terminates his or her participation in the Plan by notifying the Administrator in writing during the Election Period that he or she does not want to participate in the Plan for the next Plan Year;
- (b) A Participant may terminate his or her participation in the Plan by notifying the Administrator in writing during the Election Period that he or she does not want to participate in the Plan for the next Plan Year;
- (c) An Employee who elects to not participate for the Plan Year following the Election Period will have to wait until the next Election Period before again electing to participate in the Plan, except as provided for in the Section titled: "Revocation or Change of Election by the Participant during the Coverage Period".

5.11 Failure to Make Election.

- (a) A new Participant's failure to make an election under Section 5.7 for this Plan on or before the due date specified by the Administrator for the Coverage Period in which he or she becomes a Participant but elects an Optional Benefit Coverage, such Participant will be deemed to have elected to pay the employee portion of the cost of the Optional Benefit Coverages on a pre-tax basis.
- (b) An existing Participant's failure to make an election under this Plan relating to an Optional Benefit Coverage on or before the due date specified by the Administrator for any subsequent Coverage Period constitutes
 - (1) a re-election of the same coverage, if any, as was in effect just prior to the end of the preceding Coverage Period (to the extent such Optional Benefit Coverage remains available under the Plan), and
 - (2) an agreement to a reduction in the Participant's compensation for the subsequent Coverage Period equal to the cost of such coverage on the same basis (pre-tax or post-tax) as was previously elected.

5.12 Revocation or Change of Election by the Participant during the Coverage Period.

- (a) Any election made under the Plan (including an election made through inaction under Section 5.11)

will be irrevocable by the Participant during the Coverage Period except as otherwise provided in the sub-sections below.

- (b) With respect to an Optional Benefit Coverage, a Participant may revoke an election for the balance of the Coverage Period and, if desired, file a new election in writing if, under the facts and circumstances,
- (1) a Change in Status occurs, and
 - (2) the requested revocation and new election satisfy the consistency requirements in Section 5.13 below.

For this purpose, a Change in Status includes the following events:

- **Legal marital status.** An event that changes a Participant's legal marital status, death of spouse, divorce, or legal separation or annulment.
- **Number of dependents.** An event that changes a Participant's number of dependents (as defined in Treasury Regulation 1.125-4(i)(3)), including birth, death, adoption or placement for adoption.
- **Employment Status.** An event that changes the employment status of the Participant, the Participant's spouse or dependent, including termination or commencement of employment, a strike or lockout, a commencement or return from an unpaid leave of absence, and a change in worksite, as well as any other change in the individual's employment status that results in the individual becoming (or ceasing to be) eligible under the qualified benefit plans of the Employer.
- **Requirements for Unmarried Dependents.** An event that causes a dependent (as defined in Treasury Regulation 1.125-4(i)(3)) to satisfy or cease to satisfy the requirements for coverage under an Optional Benefit Coverage on account of attainment of age, student status, marital status or any similar circumstance.
- **Residence.** A change in the place of residence of the Participant or his or her spouse or dependent (as defined in Treasury Regulation 1.125-4(i)(3)).
- **Significant Change in Cost.** There is a significant change in the cost of an Optional Benefit Coverage.
- **Coverage Curtailment.** Coverage under an Optional Benefit Coverage is significantly curtailed.
- **New or Eliminated Optional Benefit Coverage.** A new Optional Benefit Coverage is offered or an Optional Benefit Coverage is eliminated.

- **Change in Coverage under Spouse or Dependent's Plan.** There is a change in coverage under the Participant's spouse's plan or Participant's dependent's (as defined in Treasury Regulation Section 1.125-4(i)(3)) plan.
 - **Open Enrollment in Spouse or Dependent's Plan.** The enrollment period for coverage under the Participant's spouse's plan or Participant's dependent's (as defined in Treasury Regulation Section 1.125-4(i)(3)) plan occurs while the Participant's elections are in effect.
 - **Other Events.** Such other events that the Administrator determines will permit the revocation of an election (and, if applicable, the filing of a new election) during a Coverage Period under regulations and rulings of the Internal Revenue Service.
- (c) In the case of coverage under a group health plan, a Participant may revoke an election for the balance of the Coverage Period and file a new election that corresponds with the special enrollment rights provided in Code Section 9801(f) pertaining to HIPAA special enrollment rights.
- (d) In the case of a judgment, decree or order ("order") resulting from a divorce, legal separation, annulment, or change in legal custody (including a qualified medical child support order) that requires health coverage for a Participant's child who is a dependent (as defined in Treasury Regulation Section 1.125-4(i)(3)) of the Participant, a Participant may change his or her election:
- (1) to provide coverage for the child under a health coverage required by the order, or
 - (2) to cancel a health coverage identified required by the order, if the order requires the Participant's spouse or former spouse or another individual to provide coverage for the child and that coverage is, in fact, provided.
- (e) In the case of an accident or health plan Optional Benefit Coverage, a Participant may revoke an election in writing for the balance of the Coverage Period and file a new election in writing in order to cancel or reduce such Optional Benefit Coverage for the Participant and/or for one or more covered dependents (as defined in Treasury Regulation Section 1.125-4(i)(3)) of the Participant to the extent that such individual becomes entitled to coverage under Part A or Part B of Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928 of the Social Security Act (the program for distribution of pediatric vaccines). In addition, if the Participant or any eligible dependent (as defined in Treasury Regulation Section 1.125-4(i)(3)) who has been entitled to Medicare or Medicaid loses eligibility for such coverage, the Participant may file a new election in writing for the balance of the Coverage Period to commence or increase an accident or health plan Optional Benefit Coverage.
- (f) A Participant taking leave under the Family and Medical Leave Act, if applicable, may revoke existing

- group health plan coverage and make such other election for the remaining portion of the Coverage Period as may be provided for under the Family and Medical Leave Act.
- (g) The Administrator may automatically change a Participant's contribution towards premiums to obtain Optional Benefit Coverages to reflect increase or decrease cost.
 - (h) Any application for a revocation or new election under this Section 5.12 must be made within the time specified by the Administrator following the date of the actual event and will be effective at such time as the Administrator prescribes, unless otherwise required by law.
 - (i) A Participant may revoke and or change an election relating to contributions to any health savings account on a prospective basis at least monthly or, if permitted by the Administrator, more frequently than monthly.
 - (j) A Participant may revoke an election for group health Optional Benefit Coverage prospectively for the remainder of the Coverage Period if the Participant has been in an employment status under which the Participant was reasonably expected to average at least 30 hours of service per week and there is a change in such status so that the Participant will reasonably be expected to average less than 30 hours of service per week after the change (even if such reduction in hours does not result in the Participant ceasing to be eligible under the group health Optional Benefit Coverage), the revocation corresponds to the intended enrollment of the Participant (and any related individuals) in another plan that provides minimum essential coverage, and such new coverage is effective no later than the first day of the second month following the month that includes the date the group health Optional Benefit Coverage is revoked.
 - (k) A Participant may revoke an election for group health Optional Benefit Coverage prospectively for the remainder of the Coverage Period if the Participant is eligible for a special enrollment period to enroll in a qualified health plan through a marketplace or the Participant seeks to enroll in a qualified health plan through a marketplace during the marketplace's annual open enrollment period and the revocation of the election under the group health Optional Benefit Coverage corresponds to the intended enrollment of the Participant (and any related individuals) in a qualified health plan through a marketplace for coverage that is effective beginning no later than the day immediately following the last day of the revoked group health Optional Benefit Coverage.
 - (l) Participants may make a prospective election change to add group health coverage for the Participant or the Participant's spouse or dependent if the Participant or the Participant's spouse or dependent loses coverage under any group health coverage sponsored by a governmental or educational institution, including (but not limited to) the following: a state children's health insurance program (SCHIP) under Title XXI of the Social Security Act; a medical care program of an Indian Tribal

government (as defined in Code Section 7701 (a) (40)), the Indian Health Service, or a tribal organization; a state health benefits risk pool; or a foreign government group health plan, subject to the terms and limitations of the applicable benefit package option(s).

Further, if the Participant or the Participant's spouse or dependent who has been entitled to Medicare or Medicaid loses eligibility for such coverage, the Participant may elect to prospectively commence or increase the accident or health coverage of the individual who loses Medicare or Medicaid eligibility.

- (m) IRS [Notice 2022-41](#), expands the application of the change-in-status rules for health coverage under a section 125 cafeteria plan. This notice addresses the situation in which, during a Plan Year, a participant may wish to revoke the employee's election under the cafeteria plan for spousal or family coverage under a group health plan, in order to allow one or more family members to enroll in a Qualified Health Plan through a Health Insurance Exchange in the individual market. Note that this is not permitted for Flexible Spending Arrangements. Under this notice, the employee will be able to opt out of family coverage and into self-only coverage (or family coverage including one or more already-covered related individuals) under that health plan during a period of coverage. Certain conditions need to be met to do this.

5.13 **Consistency Rules.** A Participant's requested revocation and new election will be consistent with a change in status if the election change is on account of and corresponds with a change in status that affects the eligibility for coverage under a plan of the Employer or under a plan maintained by the employer of the Participant's spouse or dependent (as defined in Treasury Regulation Section 1.125-4(i)(3)). A change in status that affects eligibility under the Employer's plan includes a change in status that results in the increase or decrease in the number of a Participant's family members or dependents (as defined in Treasury Regulation Section 1.125-4(i)(3)) who may benefit from coverage under the plan.

5.14 **Changes by Administrator.** If the Administrator determines, before or during any Coverage Period, that the Plan may fail to satisfy for such year any nondiscrimination or other requirement imposed by the Code or any limitation on benefits provided to Key Employees, the Administrator may take such action as the Administrator deems appropriate to assure compliance with such requirement or limitation. Such action may include, without limitation, a modification of elections by highly compensated Employees (as defined by the Code for purposes of the nondiscrimination requirement in question) or Key Employees without the consent of such Employees.

5.15 **Adjustment of Compensation Reductions.** If the cost of an Optional Benefit Coverage provided to a Participant increases or decreases during a Coverage Period, including any increase or decrease due to a change in the Participant's salary, a corresponding change will be made in the compensation reductions of the

Participant in an amount reflecting such increase or decrease, as determined by the Administrator to the extent the Administrator is advised of such change by the providers of such Optional Benefit Coverages which Participants may have elected.

- 5.16 **Automatic Termination of Election.** Any election made under this Plan (including an election made through inaction under Section 5.11) will automatically terminate at the close of the Benefit Coverage Period on which the Participant ceases to be a Participant in the Plan, although coverage or benefits may continue if and to the extent provided by such coverage. In the event such a former Participant again becomes a Participant within 30 days of ceasing to be a Participant, the elections previously in effect for the Participant will be automatically reinstated for the balance of the Coverage Period, except as otherwise elected by the Participant in accordance with Section 5.12.
- 5.17 **Cessation of Required Contributions.** Nothing in this Plan will prevent the cessation of coverage or benefits under any Optional Benefit Coverage, in accordance with the terms of such coverage, on account of a Participant's failure to pay the Participant's share of the cost of such coverage or benefits, through compensation reduction or otherwise.
- 5.18 **Elections Via Other Media.** The Administrator may, in its discretion, use any telephonic, electronic or other alternative media form that it deems necessary or appropriate for the election of Optional Benefit Coverages under the Plan.
- 5.19 **Coordination with FMLA.** Notwithstanding any other provision of this Plan, the Administrator may
- (a) permit a Participant to revoke (and subsequently reinstate) his or her election of one or more Optional Benefit Coverages under the Plan, and
 - (b) adjust a Participant's compensation reduction as a result of a revocation or reinstatement to the extent the Administrator deems necessary or appropriate to assure the Plan's compliance with the provisions of the Family and Medical Leave Act of 1993 and any regulations pertaining thereto, if applicable.
- 5.20 **Special Rule for Certain Covered Individuals.** Notwithstanding anything in this Plan to the contrary, the cost of providing Optional Benefit Coverage to an individual as a Dependent of the Participant, where the covered individual is not a dependent of the Participant for purposes of Code Section 152 (as modified by Code Section 105(b) and IRS Notice 2004-79) will be paid by the Participant with after-tax contributions. Such costs will either be deducted by the Employer from the after-tax compensation of the Participant or, to the extent the cost of such Optional Benefit Coverage is paid from compensation reduction or any other form of Employer contribution, such contribution will be treated as taxable compensation received by the Participant and contributed by the Participant on an after-tax basis.

Article 6. Administration of Plan.

- 6.1 **Administrator.** The administration of the Plan will be under the supervision of the Administrator. It is a principal duty of the Administrator to see that the Plan is carried out, in accordance with its terms without discrimination among participants. The Administrator has full discretionary power to administer the Plan in all of its details, subject to applicable requirements of law. For this purpose, the Administrator's discretionary powers include, but are not limited to, the following discretionary authority, in addition to all other powers provided by this Plan:
- (a) To make and enforce such rules and regulations as it deems necessary or proper for the efficient administration of the Plan;
 - (b) To interpret the Plan;
 - (c) To decide all questions concerning the Plan and the eligibility of any person to participate in the Plan;
 - (d) To appoint such agents, counsel, accountants, consultants and other persons as may be required to assist in administering the Plan; and
 - (e) To delegate its responsibilities under the Plan and to designate other persons to carry out any of its responsibilities under the Plan, any such delegation or designation to be in writing;
 - (f) To reject elections or to limit contributions or Benefits for certain Highly Compensated Participants if it deems such to be desirable in order to avoid discrimination under the Plan in violation of applicable provisions of the Code;
 - (g) To provide Employees with a reasonable notification of their benefits available under the Plan; and
 - (h) To keep and maintain the Plan documents and all other records pertaining to and necessary for the administration of the Plan;
 - (i) To keep and communicate procedures to determine whether a medical child support order is qualified under ERISA Section 609.
- 6.2 **Examination of Records.** The Administrator shall make available to each Participant, Eligible Employee and any other Employee of the Employer such records as pertain to their respective interests under the Plan for examination at reasonable times during normal business hours.
- 6.3 **Payment of Expenses.** Any reasonable administrative expenses shall be paid by the Employer unless the Employer determines that administrative costs shall be borne by the Participants under the Plan or by any Trust Fund which may be established hereunder. The Administrator may impose reasonable conditions for payments, provided that such conditions shall not discriminate in favor of Highly Compensated Employees.
- 6.4 **Application of Benefit Plan Surplus.** Any forfeited amounts credited to the Benefit Plan surplus by virtue of the failure of a Participant to incur a qualified expense may, but need not be, separately accounted for after the close of the Plan Year in which such forfeitures arose. In no event shall such amounts be carried over to

reimburse a Participant for expenses incurred during a subsequent Plan Year for the same or any other Benefit available under the Plan; nor shall amounts forfeited by a particular Participant be made available to such Participant in any other form or manner, except as permitted by Treasury regulations. Amounts in the Benefit Plan surplus shall first be used to defray any administrative costs and experience losses and thereafter be retained by the Employer.

- 6.5 **Insurance Control Clause.** In the event of a conflict between the terms of this Plan and the terms of an Insurance Contract of a particular Insurer or other benefit program that is self-insured whose product is then being used in conjunction with this Plan, the terms of the Insurance Contract shall control as to those Participants receiving coverage under such Insurance Contract. For this purpose, the Insurance Contract shall control in defining the persons eligible for insurance, the dates of their eligibility, the conditions which must be satisfied to become insured, if any, the Benefits Participants are entitled to and the circumstances under which insurance terminates.
- 6.6 **Indemnification of Administrator.** The Employer agrees to indemnify and to defend to the fullest extent permitted by law any Employee serving as the Administrator or as a member of a committee designated as Administrator (including any Employee or former Employee who previously served as Administrator or as a member of such committee) against all liabilities, damages, costs and expenses (including attorney's fees and amounts paid in settlement of any claims approved by the Employer) occasioned by any act or omission to act in connection with the Plan, if such act or omission is in good faith.

Any determination by the Administrator, or its authorized delegate, is final and conclusive on all persons.

Notwithstanding the foregoing, any claim which arises under any Optional Benefit Coverage will not be subject to review under this Plan, and the Administrator's authority under Section 6.1 does not extend to any matter as to which another administrator or entity is empowered to make determinations under such Optional Benefit Coverage.

Article 7. *Amendment and Termination of Plan.*

- 7.1 **Amendment of Plan.** The power to amend the Plan, in whole or in part, is vested in the Employer, which has the sole discretion to make all amendments to the Plan or any of its provisions. Such amendment will be effected by a written instrument signed by a duly authorized representative of the Employer, or his or her authorized delegate, and delivered to the Administrator.
- 7.2 **Termination of Plan.** The Employer has established the Plan with the bona fide intention and expectation that it will be continued indefinitely, but the Employer will have no obligation whatsoever to maintain the Plan for any given length of time and may discontinue or terminate the Plan at any time, without liability, by a written instrument signed by a duly authorized representative of the Employer, or his or her authorized delegate, and delivered to the Administrator.

Article 8. Miscellaneous Provisions.

- 8.1 **Plan Interpretation.** All provisions of this Plan shall be governed and interpreted by the Employer, or it's delegated Administrator, as applicable, in its full and complete discretion and shall be otherwise applied in a uniform, nondiscriminatory manner. This Plan shall be read in its entirety and not severed except as provided in the Section titled: "Severability".
- 8.2 **Written Document.** This Plan document, in conjunction with any separate written document which may be required by law, is intended to satisfy the written Plan requirement of Code Section 125 and any Regulations thereunder relating to Cafeteria Plans.
- 8.3 **Information to be Furnished.** Participants will provide the Employer and the Administrator with such information and evidence, and will sign such documents, as may reasonably be requested from time to time for the purpose of administration of the Plan.
- 8.4 **Limitation of Rights.** Neither the establishment of the Plan nor any amendment thereof, nor the payment of any benefits, will be construed as giving to any Participant or other person any legal or equitable right against the Employer or the Administrator.
- 8.5 **Employment Not Guaranteed; No Vested Rights.** Nothing contained in the Plan, nor any action taken hereunder, will be construed as a contract of employment or as giving any Employee any right to be retained in the employ of the Employer. Nothing in this Plan is to be interpreted or construed in creating any vested rights in any benefits, coverage entitlements or compensations of any type.
- 8.6 **Unsecured General Creditor.** Participants, their beneficiaries, and all others have no rights or interests in any property of the Employer or its affiliates. Assets of the Employer will not be held under any trust for the benefit of Participants, their beneficiaries, or others or as collateral security for fulfilling of the obligations of the Employer under this Plan. All Employer assets will be unpledged and unrestricted assets of the Employer. Each Participant or beneficiary will be treated as a general unsecured creditor of the Employer and has no greater right to any assets other than an unsecured creditor.
- 8.7 **No Liability for Action or Omission.** Neither the Employer, nor any director, officer or employee of the Employer will be liable in any manner to any Participant, beneficiary or any other person claiming through them for any benefit or action taken or omitted in connection with interpretation and administration of this Plan.

If any Participant receives one or more payments or reimbursements under the Plan that are not for a permitted Benefit, such Participant shall indemnify and reimburse the Employer for any liability it may incur for failure to withhold federal or state income tax or Social Security tax from such payments or reimbursements. However, such indemnification and reimbursement shall not exceed the amount of additional

federal and state income tax that the Participant would have owed if the payments or reimbursements had been made to the Participant as regular cash compensation, plus the Participant's share of any Social Security tax that would have been paid on such compensation, less any such additional income and Social Security tax actually paid by the Participant.

- 8.8 **Liability for Benefit Payments and Successorship.** The Plan will not be automatically terminated by the Employer's acquisition by or merger into any other entity, but the Plan will be continued after such acquisition or merger if the successor employer elects and agrees to continue the Plan. All rights to amend, modify, suspend or terminate the Plan will be transferred to the successor as of the effective date of the merger or acquisition. This Plan and all of its terms will be binding upon such successors and the Employer's assigns.
- 8.9 **Governing Law and Venue for Disputes.** This Plan shall be construed in accordance with and governed by the laws of the State of Ohio to the extent not superseded by federal law, without reference to Ohio's conflict of laws provisions. Any action, dispute or challenge regarding the interpretation or enforcement of this Agreement must be brought and litigated in the United States District Court for Ohio, if it otherwise has subject matter jurisdiction, or otherwise in the Circuit Court for State of Ohio.
- 8.10 **Correction of Defects.** The Employer and Administrator may correct any defect, supply any omission, or reconcile any inconsistency in the Plan or any payment as it deems appropriate. If a Participant is overpaid or receives amounts, or has amounts paid on its or their behalf, which the Employer determines have been incorrectly paid to the Participant, the Participant must return such payments to the Employer upon demand. And, the Employer reserves the right to collect from, and offset, against the Participant's future wages from the Employer any amounts which the Employer determines have been overpaid or mistakenly paid to or for the benefit of any Participant.
- 8.11 **Severability of Provisions.** If any provision of this Plan is held invalid or unenforceable, such invalidity or unenforceability will not affect any other provisions hereof, and this Plan will be construed and enforced as if such provisions had not been included.
- 8.12 **Acceptance of Terms.** As a condition to receipt of benefits under the Plan and being permitted to participate under it, each Participant agrees to accept the terms of this Plan.
- 8.13 **No Fiduciary Relationship.** Nothing contained in this Plan, and no action taken pursuant to its provisions by the Employer or the Participants will create, or be construed to create a fiduciary relationship between the Employer, Administrator or any Participant or beneficiary.
- 8.14 **Employer's Protective Clauses.**

- (a) Upon the failure of the Employer to obtain the insurance contemplated by this Plan (whether as a result of negligence, gross neglect or otherwise), a Participant's Benefits shall be limited to the insurance premium(s), if any, that remained unpaid for the period in question and the actual insurance proceeds, if any, received by the Employer or the Participant as a result of the Participant's claim.
- (b) The Employer's liability to a Participant shall only extend to and shall be limited to any payment actually received by the Employer from the Insurer. In the event that the full insurance Benefit contemplated is not promptly received by the Employer within a reasonable time after submission of a claim, then the Employer shall notify the Participant of such facts and the Employer shall no longer have any legal obligation whatsoever (except to execute any document called for by a settlement reached by the Participant). The Participant shall be free to settle, compromise or refuse the claim as the Participant, in his or her sole discretion, shall see fit.
- (c) The Employer shall not be responsible for the validity of any Insurance Contract issued hereunder or for the failure on the part of the Insurer to make payments provided for under any Insurance Contract. Once insurance is applied for or obtained, the Employer shall not be liable for any loss which may result from the failure to pay Premiums to the extent Premium notices are not received by the Employer.

- 8.15 **No Guarantee of Tax Consequences.** Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under the Plan will be excludable from the Participant's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant. Notwithstanding the foregoing, the rights of Participants under this Plan shall be legally enforceable.
- 8.16 **Funding.** Unless otherwise required by law, contributions to the Plan need not be placed in trust or dedicated to a specific Benefit, but shall instead be considered general assets of the Employer until the Premium Expense required under the Plan has been paid. Furthermore, and unless otherwise required by law, nothing herein shall be construed to require the Employer or the Administrator to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in, any fund, account or asset of the Employer from which any payment under the Plan may be made.
- 8.17 **Continuation of Coverage.** Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan subject to the continuation coverage requirement of Code Section 4980B becomes unavailable, each Participant will be entitled to continuation coverage as prescribed in Code Section 4980B.
- 8.18 **Health Insurance Portability and Accountability Act.** Notwithstanding anything in this Plan to the contrary, this Plan shall be operated in accordance with HIPAA and regulations thereunder.
- 8.19 **Uniformed Services Employment and Reemployment Rights Act.** Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified

military service shall be provided in accordance with USERRA and the regulations thereunder, as well as any other applicable Regulations specific to the rights and obligations of Employers with Employees on active military leave.

8.20 **Genetic Information Nondiscrimination Act**. Notwithstanding any provision of this Plan to the contrary, this Plan shall be operated in accordance with GINA and regulations thereunder.

Article 9. Health Savings Account Program.

- 9.1 **Establishment of Program.** This Health Savings Account Program (hereinafter the "HSA") is intended to qualify as a program under Code Section 223 and shall be interpreted in a manner consistent with such Code Section. The Health Savings Account Program is provided and administered by the HSA Trustee.
- 9.2 **Coordination with Premium Only Plan Benefits.** All Participants in the Premium Only Plan are eligible to receive Benefits under this HSA, as long as they otherwise meet the definition of an Eligible Individual set forth in Code Section 223. The Employer may allow Employees to make contributions to the HSA with pre-tax dollars, as governed and elected under the Adoption Agreement. In circumstances in which Employees are allowed to make pre-tax contributions to the HSA, the Employer shall also have the option of making contributions to the Employee's HSA as well, through usage of this Plan and as otherwise set forth herein after consideration of, among other provisions. The Articles titled: "Contributions to the Plan", and "Benefits" as they relate to applicability of Employer contributions and applicable nondiscrimination standards. The enrollment and termination of participation under the Premium Only Plan shall constitute enrollment and termination of participation under this HSA. In addition, other matters concerning contributions, elections and the like shall be governed by the general provisions of this Premium Only Plan.

IN WITNESS WHEREOF, Buckeye Hills Regional Council has caused this Plan to be executed in its name and on behalf of its officers there unto duly authorized this ____ day of _____, 20____.

Buckeye Hills Regional Council

By: _____

Title: _____

This document has legal and tax consequences. The Employer acknowledges that it is advisable to have this document reviewed by legal counsel prior to adoption of this document. The Employer acknowledges that HR Service, Inc., its affiliates, agents, employees and counsel have not been retained to provide any such review.

UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF DIRECTORS OR OFFICERS OVERSEEING THE COMPANY OF
Buckeye Hills Regional Council

THE UNDERSIGNED, consisting of all members of the Board of Directors (the "Board") of Buckeye Hills Regional Council, a Ohio corporation (the "Company") on this ____ day of _____, 20____ do hereby waive any and all requirements for the holding of a meeting of the Board and in lieu of holding such meeting, do hereby take the following actions and adopt the following resolutions by signing this unanimous written consent:

WHEREAS, the Board desires to adopt the Buckeye Hills Regional Council Section 125 Premium Only Plan (the "Plan") effective July 01, 2024.

NOW THEREFORE BE IT RESOLVED, that the Plan is adopted and approved effective July 01, 2024;

And

FURTHER RESOLVED, that the President, Treasurer or Secretary is authorized and directed to take such actions as are appropriate and necessary to adopt the Plan; and

FURTHER RESOLVED, that the Secretary of the Corporation be and hereby is directed to file this Consent with the permanent records of the Corporation as the duly authorized act of the Board.



RATIFICATION OF EXPENDITURE REQUEST

APPROVED BY EXECUTIVE COMMITTEE OFFICERS

June 7, 2024

Laptops and Software

\$61,636

Dell Marketing

- 28 Laptop Computers

Funding Source: Indirect, PASSPORT, Title III E, Mobility Management, Broadband Grant

\$25,200

CDW

- Adobe Acrobat and Microsoft Office Software for 28 Laptop Computers

Funding Source: Indirect, PASSPORT, Title III E, Mobility Management, Broadband Grant

\$10,798.14

CDW

- Sophos Security Software and 3 Year Licenses for 75 Laptop Computers and Agency Server.

Funding Source: Indirect

\$97,634.14

Total Request



Annual Review of the Coordinated Transportation Plans

Monroe

The update to the Monroe County Coordinated Transportation Plan:

- Update to Committee Representation
- Updated Major Employers
- Updated Major Medical Facilities
- Addition of two unincorporated areas: Hannibal and Sardis
- Survey Results for 2023
- Added Monroe County Veterans Services and Olde Towne Taxi LLC as Transportation Providers

Noble

The update to the Noble County Coordinated Transportation Plan:

- Update to Committee Representation
- Updated Major Employers
- Updated Major Medical Facilities
- Updated Major Shopping
- Survey Results for 2023
- Morgan County Public Transit was removed as a provider

Washington

The update to the Noble County Coordinated Transportation Plan:

- An update to include the Washington County Veterans Office
- Update to Committee Representation
- Update to Senior Housing
- Update to Shopping Plaza's
- Name Change: Washington State College of Ohio
- Removed Morgan County Transit

The following updates did not require an amendment to any of the Coordinate Transportation Plans.

ANNOUNCEMENTS

Election to the NADO Board | I recently had the honor of being elected to the National Association of Development Organizations (NADO) Board of Directors for the 2024-2026 term to represent the Midwest region on the 66-member board. The NADO Board of Directors oversees the association's budget and operations and develops policy on issues affecting Regional Development Organizations (RDOs). The organization was founded in 1967 to provide training, information, and representation for RDOs throughout the United States. I'm delighted to serve on the NADO board alongside BHRC Executive Committee President and Athens County Commissioner Lenny Eliason to represent our state and region.

Welcome Home Ohio Awards Funding to Morgan and Athens Counties | In May, Governor DeWine and the Ohio Department of Development announced \$29.5 million in grants and planned tax credits awarded to projects in 17 counties through the first round of the Welcome Home Ohio Program. The Morgan County Land Reutilization Corporation will receive \$500,000 in grants to purchase five residential properties and \$150,000 in grants to rehabilitate those properties. The Athens County Land Reutilization Corporation will receive \$550,000 in grants to purchase one residential property, split into six parcels to support five new builds; \$120,000 in grants to rehabilitate four properties; and plans to utilize \$720,000 in tax credits toward the construction of eight homes. This project will receive additional support through Appalachian Community grants, Opportunity Zones tax credits, New Market tax credits, and a partnership with the Survivor Advocacy Outreach Program.

ODOT Transportation Improvement District Program Awards Funding to Monroe County | On May 30, Governor DeWine and ODOT announced \$5 million in funding for 14 transportation projects as part of ODOT's Transportation Improvement District Program. Monroe County received \$90,000 for detailed design to stabilize the last of three landslides that have impacted County Route 26 in Salem Township.

Save the Date: Ohio Conference on Freight August 28-30 | The Northeast Ohio Areawide Coordinating Agency will host freight and transportation professionals from across the region in Cleveland from August 28 to 30 for the 2024 Ohio Association of Regional Councils Conference on Freight. The two-day conference consists of plenary and breakout sessions that cover the latest topics, tools, and trends in freight and logistics. Watch ohioconferenceonfreight.com for agenda and registration updates.

Appalachian Ohio State of the Region Conference Recording Available | Buckeye Hills Regional Council Development staff joined 300 local leaders, plus 100 online attendees, at Tuesday's Appalachian Ohio State of the Region Conference hosted by the Voinovich School of Leadership and Public Service. Panelists from our region included Caldwell Village Councilman and Noble County Convention and Visitors Bureau Director Jeff Minosky, Bret Adams of Black Diamond Development, and Tasha Werry of Building Bridges to Careers. BHRC Development Specialist Brad Peoples moderated the day's lead-off session on Downtown Revitalization. The agenda also featured representatives from our partners at OhioSE, JobsOhio, the Governor's Office of Appalachia, the Appalachian Regional Commission, and the U.S. Economic Development Administration. If you missed the conference or wish to revisit the content, you can visit sotr.ohio.edu for recordings of the conference sessions.

U.S. EPA Awards Washington County \$1.5 Million Brownfield Funding | Congratulations to Washington County, which has been selected to receive \$1,500,000 from the U.S. EPA to inventory sites and conduct a minimum of 25 Phase I and 12 Phase II environmental site assessments. Grant funds also will be used to develop a minimum of five cleanup plans and area-wide plans and support community engagement activities. Assessment

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activities will focus on the Muskingum River Industrial Park in the village of Beverly, the D.O. Business Hall Center in the city of Cambridge, and the villages of Piketon and Beaver. Priority sites include a 60-acre former coal-fired power plant, a 140-acre parcel of mine-scarred land, and a former high school. Non-lead coalition members include the Pike County Board of Commissioners and the Cambridge-Guernsey County Community Improvement Corporation.

June 27: DriveOhio Electric Vehicle Infrastructure Public Meeting | Ohio is updating its Electric Vehicle Infrastructure Plan for the National Electric Vehicle Infrastructure (NEVI) Formula Program. Join DriveOhio on June 27, 11:00 a.m., at the Athens Community Center (701 E. State Street, Athens OH 45701) to hear about its progress and offer feedback on candidate charging locations and other plan updates.

CURRENT INITIATIVES

The Ridges | The New Community Authority continues work with Ohio University on the package to propose the land transfer to the State of Ohio. The survey is complete, and the condominium rules are being developed to govern building use. The City of Athens has simultaneously begun prioritizing and seeking funding for the infrastructure expansions needed.

Appalachian Community Grant Program Updates | During the month of May, Ohio Governor Mike DeWine, Lt. Governor Jon Husted, Ohio Department of Development Director Lydia Mihalik, and Governor's Office of Appalachia Director John Carey announced dozens of major economic development projects in Ohio's Appalachian region through the Appalachian Community Grant Program that will expand access to local waterways, revitalize historic riverfront downtowns, raise the area's profile as a travel destination and improve the quality of life for local residents. In total, communities in the Buckeye Hills region were awarded more than \$132 million through the various rounds and initiatives of the Appalachian Community Grant Program. A summary of the recent awards and project description is available in the news section of our website, buckeyehills.org. Our Development Division is also preparing a comprehensive overview of all implementation and technical assistance funding that BHRC communities received, including technical assistance provided through the council, the Mayors' Partnership for Progress, and the Ohio Department of Development's procured planners. These will be shared during our upcoming round of Return on Investment meetings with BHRC members in July and August.

STATE UPDATES

HB 519 Clean Ohio Fund for Brownfield Remediation | On May 8, Representatives Thomas Hall (R-Madison Twp.) and Bride Rose Sweeney (D-Westlake) introduced HB 519 to create permanent funding for brownfield remediation via the creation of the Clean Ohio Fund (not to be confused with the Clean Ohio Greenspace Conservation Fund). Since 2021, the renewed Brownfield Remediation Fund has provided grant funding for 188 cleanup and remediation projects and another 125 assessment grants that were awarded funding in 83 of Ohio's 88 counties, including several projects in the Buckeye Hills region. When the third round of funding for this grant program was opened in July 2022, the application portal closed a week early due to oversubscription, demonstrating a robust demand for brownfield revitalization funding across Ohio. If enacted, House Bill 519 would provide \$50M to \$100M annually for brownfield remediation work starting in July 2025

Property Tax Committee Chairs Lay Out Work Timeline | With the bicameral review of property taxes about two-thirds into the process, the committee's cochairs agreed in interviews that any legislation introduced would represent incremental changes rather than a comprehensive overhaul. The committee recently heard invited testimony from Ohio Township Association, County Commissioners Association of Ohio, Ohio Municipal League and the Ohio Mayors Alliance Co-Chair Rep. Bill Roemer (R-Richfield) said that there will be at least two more hearings of the joint committee on Property Tax Review & Reform before the General Assembly leaves for the summer.

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buckeyehills.org

Strengthening SNAP for Ohio's Older Adults | In recognition of Older Americans Month, the Ohio Association of Foodbanks launched a new action center on House Bill 428, co-sponsored by Jay Edwards (R-Nelsonville) and Daniel Troy (D-Willowick), which would guarantee eligible older Ohioans at least \$50 per month in SNAP benefits, up from the current federal minimum of \$23 per month.

FEDERAL UPDATES

Workforce Development Grant Opportunity for the Appalachian Region | The U.S. Department of Labor will award up to \$1.5 million to awardees to help affected communities develop local and regional workforce development solutions. These solutions must align with existing economic development strategies to create new, sustainable jobs and long-term economic vitality. Grants are intended to produce quality employment outcomes for Appalachian workers, enabling them to stay and thrive in their communities. View the grant opportunity at grants.gov under funding opportunity FOA-ETA-24-08. The deadline is June 20, 2024.

2024 Farm Bill Proposals | The House and Senate Agriculture Committees released proposals for the 2024 Farm Bill, including important provisions for counties. The proposals include vital support for SNAP, rural development programs, public land management authorities, and investments in programs for new and beginning farmers and ranchers. The National Association of Counties' Farm Bill Primer provides a detailed analysis. The current Farm Bill expires on September 30.

Federal Legislation to Watch for Older Adults | Protecting Seniors From Emergency Scams Act (H.R.8023) was introduced by Rep. Robin Kelly (D-IL) and Troy Balderson (R-OH) on April 16. The bill enhances existing elder justice programs by requiring the Federal Trade Commission to develop a web portal that tracks scams by region and contact information for local law enforcement.

Long-Term Care Workforce Support Act (S.4120) was introduced by Sen. Casey (D-PA), Chairman of the Senate Special Committee on Aging, Sen. Kaine (D-VA), and Sen. Baldwin (D-WI) on April 15. This provides substantial funding for the caregiving workforce. The companion bill (H.R.7994) was introduced in the House of Representatives by Rep. Dingell.

Improving Access to Medicare Coverage Act (S.4137) was introduced by Sen. Sherrod Brown (D-OH), Susan Collins (R-ME), and Sheldon Whitehouse (D-RI) on April 17 to help protect seniors from high medical costs. It would allow Medicare to cover post-hospitalization skilled nursing care for hospital patients under "observation" status.

Senator Requests GAO Study of Unpaid Caregivers | US Sen. Bob Casey (D-PA) has requested that the Government Accountability Office study and produce a report about the contributions that unpaid caregivers to older adults and children, as well as others working in some other unpaid roles, make to the country's economy. According to a study published last year by the AARP and reported by the McKnight's Business Daily, an estimated 38 million family members provided approximately \$600 billion in unpaid caregiving for older adult family members or children in 2021. In some cases, women are limited to unpaid work, because it does not make economic sense to take on paid employment or full-time work due to care obligations and the rising costs of care. In other words, the market cost of full-time care may outweigh women's earnings potential, which also compounds care workforce challenges," Casey said. "In terms of unpaid care work's impact on lifetime earnings and retirement savings, one study found that, on average, mothers forgo 15% of lifetime income to family care, losing an average of \$295,000, including lost earnings and associated retirement income."

UPCOMING CONFERENCES & EVENTS:

- **June 13-14 – OEDI Economic Development Financing and Incentives Course** | Ohio University – Dublin Integrated Education Center. Register at <https://oeda.wildapricot.org/event-5575198>
- **June 26 – Aging & Health Regional Advisory Council** | Buckeye Hills Regional Council, Marietta
- **August 2 – BHRC Executive Committee Meeting** | Buckeye Hills Regional Council, Marietta

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- **August 20 – BHRC Community Development Summit** | Buckeye Hills Regional Council, Marietta

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