
MEMORANDUM

TO: Mayor & Members of Council
FROM: Jon Bisher_{/rd}
SUBJECT: General Information
DATE: August 03, 2012

CALENDAR

CITY COUNCIL MEETING AGENDA - Monday, August 6, 2012 @ 7:00 pm

C. APPROVAL OF MINUTES

1. Special Council Meeting/July 9, 2012
2. Regular Council Meeting/July 16, 2012

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 050-12** an Ordinance to Approve Current June 2012 Replacement Pages to the Napoleon Codified Ordinances.
- As reported out in the Finance & Budget Committee's Majority Report, Items 2 and 3 were recommended by the Committee at their July 23rd meeting.
2. **ORDINANCE NO. 051-12** an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 3) for the Year 2012
3. **RESOLUTION NO. 052-12** a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC on an as needed basis in Fiscal year 2012, listed in Exhibit "A" (Transfer 3); and Declaring an Emergency.
4. **RESOLUTION NO. 053-12** a Resolution Authorizing Enrollment in the Ohio Rural Water Association 2013 Worker's Compensation Pool, and Authorizing the Expenditure of Funds and Directing the City Manager to Enter into a Professional Service Contract with Comp Management, Inc. (CMI) a Worker's Compensation Administrator; and Declaring an Emergency.
5. **RESOLUTION NO. 054-12** a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvements Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for Projects Deemed Necessary by the City Engineer in the Year 2013; and Declaring an Emergency. (*Suspension Requested*)
6. **ORDINANCE NO. 055-12** an Ordinance Authorizing the City Manager to Enter into an Energy Purchase Agreement known as the "EcoSmart Choice Program" with American Municipal Power, Inc.

I. GOOD OF THE CITY

1. *Water Tap Fee for 804 W. Washington St., Shared Sanitary Taps, Replacement of Sanitary Sewer Laterals, Low Occupancy Bill. (Refer to Water/Sewer Committee)*

RELATED ITEMS

1. **CANCELLATIONS**
 - a. *Technology & Communications Committee*
2. **AMP UPDATE/July 27, 2012**
3. **OML LEGISLATIVE BULLETIN/July 30, 2012**
4. **HEALTH CARE COST COMMITTEE Meeting Minutes/July 26, 2012**

rd
Records Retention
CM-11 - 2 Years

July 2012							August 2012							September 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30					

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 Greg Heath - Vacation	2 Greg Heath - Vacation	3 BISHER - Vacation Greg Heath - Vacation	4 BISHER - Vacation Greg Heath - Vacation
5 BISHER - Vacation Greg Heath - Vacation	6 7:00 PM City COUNCIL Meeting	7	8 BISHER - Vacation	9 BISHER - Vacation	10 BISHER - Vacation Henry County Fair	11 BISHER - Vacation Henry County Fair
12 6:00 PM Tomato Festival Parade BISHER - Vacation Henry County Fair	13 6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting Henry County Fair	14 Henry County Fair	15 Henry County Fair AMP - Bisher	16 Henry County Fair AMP - Bisher Greg Heath - Vacation	17 Greg Heath - Vacation BISHER - Vacation	18 BISHER - Vacation
19 BISHER - Vacation	20 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Meeting	21	22	23	24	25
26	27 6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting	28	29 BISHER - Vacation	30 BISHER - Vacation	31	1 BISHER - Gone

CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, August 6, 2012 at 7:00 PM

- A. Attendance** *(Noted by the Clerk)*
- B. Prayer**
- C. Approval of Minutes:** *(In the absence of any objections or corrections, the minutes shall stand approved.)*
1. July 9 Special Meeting
 2. July 16 Regular Meeting
- D. Citizens Communication**
- E. Reports from Council Committees**
1. **Parks & Recreation Committee** did not meet on Monday, July 16 due to lack of agenda items.
 2. **Finance & Budget Committee** *(Majority Report)* met on Monday, July 23 and:
 - a. Denied the appeal of a revoked certificate for soliciting, canvassing or peddling
 - b. Recommended that the Law Director bring legislation approving the 2nd quarter budget adjustments
 - c. Tabled *Review of Investments*
 3. **Safety & Human Resources Committee** met with the Townships on July 23 and:
 - a. Discussed EMS rates & revenues
- F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
1. **Civil Service Commission** did not meet on Tuesday, July 24 due to lack of agenda items:
 2. **Parks & Recreation Board** did not meet on Wednesday, July 25 due to lack of agenda items.
 3. **Health Care Cost Committee** met on Thursday, July 26 with the following agenda item:
 - a. Proposed health care plan recommendations
- G. Introduction of New Ordinances and Resolutions**
1. **Ordinance No. 050-12** An Ordinance to approve current June 2012 replacement pages to the Napoleon Codified Ordinances
 2. **Ordinance No. 051-12** An Ordinance supplementing the annual appropriation measure (Supplement No. 3) for the year 2012
 3. **Resolution No. 052-12** A Resolution authorizing the Finance Director to transfer certain fund balances from respective funds to other funds per Section 5705.14 ORC on an as needed basis in fiscal year 2012, listed in Exhibit "A" (Transfer 3); and declaring an emergency
 4. **Resolution No. 053-12** A Resolution authorizing enrollment in the Ohio Rural Water Association 2013 Worker's Compensation Pool, and authorizing the expenditure of funds and directing the City Manager to enter into a professional service contract with Comp Management, Inc. (CMI) a Worker's Compensation administrator; and declaring an emergency
 5. **Resolution No. 054-12** A Resolution authorizing the City Manager to execute all documents necessary to apply and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2013; and declaring an emergency *(Suspension requested)*
 6. **Ordinance No. 055-12** An Ordinance authorizing the City Manager to enter into an energy purchase agreement known as the "EcoSmart Choice Program" with American Municipal Power, Inc.
- H. No Second or Third Readings of Ordinances and Resolutions**
There are no second or third readings of Ordinances and Resolutions.
- I. Good of the City** *(Any other business as may properly come before Council, including but not limited to:)*
1. **Discussion/Action:** Water Tap Fee for 804 W. Washington, Shared Sanitary Taps, Replacement of Sanitary Sewer Laterals, Low Occupancy Bill *(Refer to Water, Sewer, Refuse, Recycling & Litter Committee)*
- J. Executive Session** *(As needed)*
- K. Approve Payment of Bills and Approve Financial Reports** *(In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)*
- L. Adjournment**

A. Items Referred or Pending in Committees of Council

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Tuesday, September 4, 2012 @ 8:00 PM) August meeting is canceled.
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 13 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
 - c. Net Metering Policy (Tabled)
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 13 @ 7:00 PM)
 - a. Water Treatment Plant Evaluation (Tabled)
 - b. Review of Responsibility for Sanitary Sewer Tap Repair and New Installation (Tabled)
 - c. Lawn Meter Policy
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 13 @ 7:30 PM)
 - a. Updated Info from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, August 20 @ 8:00 PM)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, August 27 @ 6:30 PM)
 - a. Review of Investments (Tabled)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, August 27 @ 7:30 PM)
Next Meeting with Townships: November 26
- 8. Personnel Committee (As needed)**

B. Items Referred or Pending In Other City Commissions and Boards

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, August 13 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
 - c. Net Metering Policy (Tabled)
 - d. Review of Responsibility for Sanitary Sewer Tap Repair and New Installation (Tabled)
 - e. Lawn Meter Policy
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, August 14 @ 4:30 PM)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, August 14 @ 5:00 PM)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, August 20 @ 6:00 PM)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, August 28 @ 4:30 PM)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, August 29 @ 6:30 PM)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 13 @ 10:30 AM)
- 8. Records Retention Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 11 @ 4:00 PM)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
(Next Meeting: Monday, May 6, 2013? @ 6:30 PM)
- 10. Health Care Cost Committee (As needed)**
- 11. Preservation Commission (As needed)**
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)**
- 13. Tax Incentive Review Council (As needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)**
- 15. Lodge Tax Advisory & Control Board (As needed)**
- 16. Board of Building Appeals (As needed)**
- 17. ADA Compliance Board (As needed)**
- 18. NCTV Advisory Board (As needed)**

CITY COUNCIL

Special Meeting Minutes
Monday, July 9, 2012 at 7:00 PM

PRESENT

City Council

BOPA

Water, Sewer Committee

City Staff

Recorder

Others

ABSENT

Call To Order

**Long Term Control Plan
Modifications**

Glenn Miller – President, John Helberg, Travis Sheaffer, James Hershberger, Jeffrey Lankenau, Patrick McColley, Christopher Ridley
Keith Engler – Chair, Tom Druhot, Mike DeWit
Jeffrey Lankenau - Chair, James Hershberger, Chris Ridley
Ronald A. Behm, Mayor
Matt Bilow, Wastewater Superintendent
Dr. Jon A. Bisher, City Manager
Dennis Clapp, Electric Superintendent
Trevor M. Hayberger, Law Director
Gregory J. Heath, Finance Director/Clerk of Council
Barbara Nelson
News Media

None

President Miller called the meeting to order at 7:30 PM.

Adam Hoff presented information regarding the Long Term Control Plan (LTCP). Hoff said the City collection system is about 25% combined sewers that carry storm sewer and sanitary waste. The rest is separated. There used to be a Headworks Bypass on the wastewater treatment plant (WWTP). We were on the radar screen for the U.S. EPA. We negotiated with the Ohio EPA directly. They issued findings and orders in July of 2000 to bring the City's sewers into compliance. The City was directed to eliminate sewer overflows and have no greater than 4 potential overflow events in a calendar year.

Hoff distributed a map of the City (attached) detailing completed and future sewer projects. (Red = yet to be completed, Green = completed). There are a total of about 43 projects. Initial estimates were about \$35,000,000. These numbers have gone up. Some scopes have changed and expanded to include restoration items that were not anticipated. A skeleton computer model developed the plan. The cornerstone of the LTCP is a 2.5 million gallon Equalization (EQ) Basin that went online in 2010. It is functioning remarkably well. In May of 2010 the City received a large rain event. The EQ basin filled up with 2.2 million gals that would have previously gone into the Maumee River. Monthly WWTP reports show a tremendous reduction of at least 50% - 80% in volume of discharges into the river at that location.

The downside is that in order to complete the projects, it takes money. There has been an astronomical rise in sewer rates. We will look at rate structures and debt service incurred by the City. The Council of Mayors recommends a 20 year program. The affordability threshold is about 2% of median household income as to where local water and sewer rates should be. Napoleon is approaching 4%, which is tremendously high.

Now is a good time to open discussions to find options and alternatives as we

move forward. We are having a definite positive impact on the collection system. We can start the conversation regarding an extended timeline or a short period of timeout. There is no guarantee, but the timing is good. The City's permit for the WWTP expires in July of 2013. We should see a draft permit in January. That permit sets the timelines for compliance with the LTCP to avoid additional actions. The City has been held up as a poster child for how these programs are supposed to go, so we are positioned very well. The fact that stimulus package dollars got pulled back can also be brought into the discussion.

Lulfs said his understanding is he should approach the EPA and reopen negotiations as far as how we would modify the plan. We are 7 years into the plan with 13 to go. We revamped it to look at the yearly cost. There are 4 separate iterations of those projects as outlined with a 10 year, 7 year, 5 year extension and 0 year extension. Even with 0 years, from what we've seen with the results of the studies done, some projects need to be moved around to coordinate with other projects. We received a grant to rebuild Appian. Some projects can't be completed until Appian is finished. We want to approach the EPA about this. A 10 year extension would be great. Aside from a few projects that are very costly, even if we got a 5-year extension, we can limit it to \$1,000,000 per year. We've seen about \$300,000/year in grant money through LPWC. There are 30-40 year loans. We plan to contact the Northwest District Office to open up negotiations very soon. We want input from Council and staff on what is acceptable. We will argue for the longest extension we can get.

Mayor Behm said he wants an overall cost projection that is realistic. The original \$35,000,000 estimate is a joke. Lulfs said these numbers are being put together today. In 15 years, they won't be the same. Costs go up and much of the cost is oil components. The Mayor asked how much money we can generate to cover the cost per year. Projections are a 60% increase in the next few years just to service the debt. It seems like we're flying by the seat of our pants year to year, but don't know what future costs will be. Dale Kucarek said the EQ Basin has been online for 2 years. This gives us an opportunity to get snapshots on how well we've done. The Council of Mayors met in March. The concept forced on the EPA is that integrated planning includes streets, projects, timelines, drinking water issues, etc. The US EPA is opening their thinking that there are competing needs.

Hoff said we don't have a great answer on cost now. If we can get the system to operate so that we don't have any overflows under a 6 month storm event, we have met the 4 events/year threshold. The original model shows the Headworks Bypass would discharge about 2.06 million gallons into the river. On the current model, it would be about 500,000 gallons on a 24 hour storm event (see table). Now is the time to start talking to the agency. We may be able to change the order of projects. Instead of doing other capital projects, we may be able to do other studies and analysis. The VanHyning Project will have a huge impact on the WWTP. We are working on the Oberhaus I/I Study now. Lulfs said those studies are scheduled for 2016 now. We had the EQ Basin at the end of the schedule initially, but the EPA thought the Headworks Bypass on the Maumee would have become a huge target on the City. Bringing that project forward and expanding to 2.5 million gallons may be a saving grace for the City. Money was spent wisely at the front end of the plan.

Hershberger said the west side of town has extra water. Oberhaus Creek is a disaster. Hoff said the Oberhaus/Kenilworth areas are tributary to the Oberhaus Interceptor. It used to connect to a pumping station at Scott St, but that was eliminated in the 1980's. Now it is connected to VanHyning. Both issues need to be addressed. Lulfs said the Oberhaus Interceptor is its own component in the LTCP and Kenilworth is also its own component. We need to address both. We aren't proposing to take these projects out, just space them out to catch our breath. We may see some improvement from removing root balls or the problem could move downstream. Mayor Behm said we need to know some kind of idea of cost per year, so we know what we have to debt out and generate per year. We are at 4% of median household income. That number will get higher and higher since income hasn't gone up. We should push for as long a time period as we can.

Hoff said another issue to be addressed is private connections. Lulfs said we were attacking private property issues as we completed them. Once we got past Woodlawn, we didn't have the resources staffwise to continue. We have summer help this year and decided to re-up those efforts. Some folks received letters about their private connections. There should not be downspouts connected to any sewer. We sent letters to W. Washington, Clinton, Haley, Lombard, Leonard and still have to send to Welsted, Jahns, Riverview area, Anthony Wayne area. We have to inspect every one of these. There can be some costs to private property owners. Clean Water Removal Program funds will pay for 2/3 of that cost up to a maximum of \$2,500.

Engler asked about swimming pools backflushing to the street. Lulfs said this is illegal. The chlorinated water goes to the river. Ridley asked if there is any idea of projected costs. Lulfs said tables he prepared have actual costs of projects done and estimated costs. The original numbers were \$35,000,000. We are at \$38,000,000 now. This does not include the water treatment plant. Ridley said if we want a 20 year extension, it might be helpful to say we have \$60,000,000 in estimated improvement costs and can only do \$3,000,000 per year.

Bisher said there are folks in the west end who have had water in their basements for the last 10 years. Now we can tell them Council decided they can have water in their basement for another 10 years. Mayor Behm asked where the City was before. Bisher said we told these homeowners they would be next. There are people that want the projects done in their neighborhood and we are putting them off. Sheaffer said they will scream louder about rates than basements. Bisher said he is in favor of extending the LTCP, but not doing projects also extends some people's turmoil. Lankenau asked if any projects can be eliminated. Lulfs said the Riverview system has one project left. We prefer to let the EPA allow the City to do it at our discretion. We had to replace a sewer that collapsed last winter, but it didn't count toward the LTCP.

Hoff said we originally looked at putting a smaller EQ Basin by the fire station. We may be able to eliminate that. We need a rainstorm in order to assess. We may be able to modify some projects to save money. As projects are completed in one area, it will help other areas within the system. Miller said we haven't had people in the audience for a while from Detroit St. Good detective work got the problem figured out. Lulfs said we still have VanHyning and other studies to do. We may find the magic piece that will have a huge effect.

City of Napoleon, Ohio
CITY COUNCIL

Meeting Minutes

Monday, July 16, 2012 at 7:00 PM

PRESENT	
Council	Glenn Miller (President), John Helberg, James Hershberger, Travis Sheaffer, Jeffrey Lankenau, Patrick McColley, Christopher Ridley
Acting City Manager	Chad Lulfs, City Engineer
Law Director	Trevor M. Hayberger
Finance Director/Clerk	Gregory J. Heath
Recorder	Tracy Crist
City Staff	None
Others	News Media
ABSENT	
Council	None
Mayor	Ronald A. Behm
City Staff	Dr. Jon A. Bisher
Prayer	President Miller called the meeting to order at 7:00 PM with the Lord's Prayer.
Approval Of Minutes	Minutes of the July 2, 2012 Public Hearing and Council meeting stand approved with no objections.
Citizen Communication	<p>Jascha Chiaverini appeared before Council on the matter of the building he rents on W. Washington Street.</p> <p>President Miller asked that Mr. Chiaverini keep his comments to approximately five (5) minutes.</p> <p>Chiaverini stated he is very frustrated and asked Council to appoint someone to oversee the situation. He said this has been going on since August 2011. He feels he is getting no communication from the City or Council. Chiaverine stated he tried to talk with his landlord's attorney, Jeff Lankenau, but was told Mr. Lankenau would only speak with Mr. Chiaverini's attorney.</p> <p>Lankenau said if he would receive a letter from Chiaverini's counsel stating he is not representing him in this matter, then he would meet with Chiaverini. However, at this time, he is prohibited by law to speak with someone who is represented by counsel.</p> <p>Chiaverini stated Mr. Rogers does not represent him at this time, only if the matter goes into litigation.</p> <p>Lankenau told Chiaverini "That's good enough for me; it's on the record now, so I will talk to you".</p> <p>Mr. Chiaverini continued to state he felt he was getting no communication and stated many times that he felt there was potential impropriety on the part of the City. After several of these statements and possible threats of impropriety, City Law Director suggested President Miller bring the discussion to a close stating "Every other word out of his mouth is a shot at Councilman Lankenau" and noted that Mr. Chiaverini was given way over his five (5) minutes to present his case.</p> <p>In regards to Mr. Chiaverini's request to have someone oversee the situation, it was decided City Law Director Trevor Hayberger would look in to the matter.</p>
Committee Reports	<p>Electric Committee met on Monday, July 9 and recommended to:</p> <ul style="list-style-type: none">• approve July billing determinants• accept the recommendation of the City Finance Director concerning AMPGS outstanding liability

- Table *Net Metering Policy*

Water, Sewer, Refuse, Recycling & Litter Committee met on July 9 and:

- Granted the appeal by Mr. Gregory L. Beck regarding a permit for a sewer tap because when the lot was developed, it was approved per specifications
- Heard a presentation regarding Long Term Control Plan modifications
- Tabled *Review of Responsibility for Sanitary Sewer Tap Repair & New Installation*

Municipal Properties, Buildings, Land Use & Economic Development Committee did not meet on July 9 due to lack of agenda items.

No Legislation

No new legislation was introduced. There were no second or third readings.

**Good Of The City
Discussion/Action:
Motion To Approve
July Billing
Determinants**

Motion: Hershberger Second: Helberg
To approve the electric billing determinants for July 2012 as follows:
Generation Charge: Residential @ \$.08760; Commercial @ \$.10883; Large Power @ \$.05956; Industrial @ \$.05956; Demand Charge Large Power @ \$12.01; Industrial @ \$12.30; JV Purchased Cost: JV2 @ \$.03748; JV5 @ \$.03748

**Passed
Yea-7
Nay-0**

Roll call vote on above motion:
Yea- Hershberger, Miller, McColley, Sheaffer, Lankenau, Ridley, Helberg
Nay-

**Recommendation RE:
AMPGS Outstanding
Liability**

Heath reported that the Board of Public Affairs and Electric Committee accepted his recommendation concerning AMPGS Project Liability to the City as detailed in his memo.

**Motion To Accept The
Recommendation Of
The Finance Director
Concerning AMPGS
Project Liability**

Motion: Sheaffer Second: Helberg
To accept the recommendation of the Finance Director concerning AMPGS Project Liability to the City, acknowledging the following:

- Receipt and understanding of the AMPGS Project Liability to the City
- Acceptance of handling the liability as a “Contingent Liability” and not booking the liability as of December 31, 2011.
- The intent to pay the Net Liability at some point in the future through the use of Cash Reserves, or recover it by passing it through to Customers on the billing.

**Passed
Yea-6
Nay-0
Abstain-1**

Roll call vote on above motion:
Yea- Hershberger, Miller, Sheaffer, Lankenau, Ridley, Helberg
Nay-
Abstain- McColley

**Motion To Untable
Award Of Bid For 108
SD Conventional
Chassis**

Motion: Lankenau Second: Ridley
To remove *Award Of Bid For 108 SD Conventional Chassis* from the table

**Passed
Yea-7
Nay-0**

Roll call vote on above motion:
Yea- Hershberger, Miller, McColley, Sheaffer, Lankenau, Ridley, Helberg
Nay-

Discussion	Lulfs recommended purchasing only the one chassis for \$139,307 and to not award the alternate bid for a second chassis.
Motion To Award Bid for 108 SD Conventional Chassis	Motion: Sheaffer Second: Helberg To Award the Bid for 108 SD Conventional Chassis to Stoops Freightliner for \$139,307
Passed	Roll call vote on above motion:
Yea-7	Yea- Hershberger, Miller, McColley, Sheaffer, Lankenau, Ridley, Helberg
Nay-0	Nay-
Motion To Approve C/O #2 (Final) for 2011 Street Striping	Motion: Ridley Second: Hershberger To approve Change Order #2 (Final) for the 2011 Street Striping Program to Zimmerman Paint Contractors Co., a Deduct of \$714.95.
Passed	Roll call vote on above motion:
Yea-7	Yea- Hershberger, Miller, McColley, Sheaffer, Lankenau, Ridley, Helberg
Nay-0	Nay-
Discussion	Lulfs reported this change order was to close out the project. He wanted to make everyone aware that because street striping has not been done for three (3) years, the residual base will not be there and the paint will not wear as well. He has discussed this with City Manager Bisher and it is their intention to put this in the budget again for next year; this will get the program back on track for an every other year schedule.
<i>Appeal Of Revoked Certificate For Soliciting, Canvassing Or Peddling Referred To Finance & Budget Committee</i>	President Miller referred <i>Appeal of Revoked Certificate for Soliciting, Canvassing or Peddling</i> to Finance & Budget Committee
<u>Good Of The City</u> (Cont.)	
Lulfs	Lulfs – no items
Hayberger	Hayberger – no items
Lankenau	Lankenau – no items
Sheaffer	Sheaffer – no items
McColley	McColley – no items
President Miller	President Miller – no items
Hershberger	Hershberger – no items
Helberg	Helberg – no items
Ridley	Ridley - I have a question regarding the typical time frame for building inspection and determination? Lulfs – there is a difference between building inspection and what Jascha’s speaking

of. A lot of his issues are owner/tenant. Tom inspects residential. We do not have a commercial bldg inspection department in the City of Napoleon.
Sheaffer – would Wood County come out?
Lulfs – no the owner would get structural engineers
McColley - Why is Tom sending him a letter?
Miller – we reviewed this and I think we’ve taken appropriate actions
Helberg – there also appears to be a safety issue with the steel beams on the sidewalk.
Ridley – that’s why I wondered if it would be Wood County or us.
Lulfs – I wasn’t part of the conversation, but I know Tom and Jon met Friday afternoon discussing that very same situation and that Tom was acting on it today.
What’s been done, I don’t know. I know we’re acting on it.
Ridley – then our authority comes from the building code?
Lulfs – they can always start with us and if Tom has authority we will address it.

Heath

Heath – has 2 items
1) I did not get the 2012 Financial Reports in Council Packet; they’re there before you tonight.
2) The City received bids on the note and bond sale on July 10. The \$1.8 million note had a net interest for a one year note of .796% rounded. On the 30 year \$1.1 million revenue bonds the net interest cost is 3.8271%.

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Lankenau Second: Sheaffer
To adjourn the meeting.

Passed
Yea –7
Nay -0

Roll call vote on above motion:
Yea- Hershberger, Miller, McColley, Sheaffer, Lankenau, Ridley, Helberg
Nay-

Adjournment

Meeting adjourned at 7:35 PM.

Approved:
August 6, 2012

Glenn A. Miller, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

Finance & Budget Committee

Majority Report

The Finance & Budget Committee met on Monday, July 23, 2012 and:

1. Denied the appeal of a revoked certificate for soliciting, canvassing or peddling
2. Recommended that the Law Director bring legislation approving the 2nd quarter budget adjustments
3. Tabled *Review of Investments*

Glenn Miller, Chair

John Helberg, Committee

Mayor Ronald Behm, Committee

Patrick McColley, Pro-Tem

ORDINANCE NO. 050-12

AN ORDINANCE TO APPROVE CURRENT JUNE 2012 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; **THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the June 2012 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Fire Prevention Code

1511.05 Open Burning; Recreational Fires; Portable Outdoor Fireplaces.
(Amended)

Section 3. That, the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 051-12

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 3) FOR THE YEAR 2012

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the annual appropriation measure passed in Ordinance No. 089-11; supplemented by Ordinance No. 019-12 and Ordinance No. 027-12 for the fiscal year ending December 31, 2012 shall be supplemented (Supplement No. 3) as provided in Exhibit "A", attached hereto and made a part hereof.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance provides for appropriations for the current expenses of the City; therefore, upon passage, this Ordinance shall take immediate effect, subject to the provisions of Article II, Sec. 2.15 of the Charter.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 051-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

**2012 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No.</u> , <u>Passed</u>	2012 - 2ND QT BUDGET ADJUSTMENTS			2012
2nd Quarter Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
100 GENERAL FUND				
1400 Law Director/Administrative	0	15,000	15,000	
2200 Fire/Safety Services	7,900	0	7,900	
Total - 100 General Fund	7,900	15,000	22,900	\$22,900
- Appropriate Additional for Outside Contracted Legal Services -> +\$15,000				
Accounts - 100.1400.53360 Service Fees-Legal Expenses	0	15,000		
- Appropriate Additional for Non-Bargaining Overtime and Workers Compensation Premium -> +\$7,900				
Accounts - 100.2200.51101 Salary-Non-Bargaining-Overtime	1,500	0		
100.2200.51600 Workers Compensation	6,400	0		
220 RECREATION FUND				
4200 Recreation/Golf Operating	0	6,000	6,000	
Total - 220 Recreation Fund	0	6,000	6,000	\$6,000
- Appropriate Additional for Implementation of Beer Sales at Golf Course -> +\$6,000				
Accounts - 220.4200.54215 Supplies-Concessions-Beer	0	6,000		
435 CLAIRMONT AVE.RECONSTRUCTION PROJECT				
5100 Service/Streets Maintenance and Properties	0	-9.68	-9.68	-9.68
- Close Out Project Fund, Rolled to Long Term Bonds -> -\$9.68				
Accounts - 435.5100.53365 Service Fees-Bond Issuance Co	0	-1.20		
435.5100.58600 Interest Payment-Notes-GO	0	-8.48		
Total - Principal, Interest & Issuance Adj.	0	-9.68		
439 HALEY I & I REDUCTION PROJECT FUND				
5100 Service/Streets Maintenance and Properties	0	-5.33	-5.33	-5.33
- Close Out Project Fund, Rolled to Long Term Bonds -> -\$5.33				
Accounts - 439.5100.53361 Serv.Fees-Bond Counsel	0	-0.80		
439.5100.58600 Interest Payment-Notes-GO	0	-4.53		
Total - Principal, Interest & Issuance Adj.	0	-5.33		
510 WATER REVENUE FUND				
9900 Transfer Accounts	0	-1,943.03	-1,943.03	
Total - 510 Water Revenue Fund	0	-1,943.03	-1,943.03	-1,943.03
- Net Appropriation Adjustment to Close Out 435 & 439 Project Funds -> -\$1,943.03				
Accounts - 510.9900.59579 TR-TO 435 Clairmont Ave.Rcns.	0	-2,539.63		
510.9900.59584 TR-TO 439 Haley Ave.I&I Red.F	0	596.60		
Total - Transfer for Principal Reduction Adj.	0	-1,943.03		

**2012 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<i>ORDINANCE No.</i> , <i>Passed</i>	2012 - 2ND QT BUDGET ADJUSTMENTS			2012
2nd Quarter Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
520 SEWER (WWT) UTILITY REVENUE FUND				
9900 Transfer Accounts	0	1,918.98	1,918.98	
Total - 520 Sewer (WWT) Uty. Revenue Fund	0	1,918.98	1,918.98	1,918.98
- Net Appropriation Adjustment to Close Out 435 & 439 Project Funds -> +\$1,918.98				
Accounts - 520.9900.59579 TR-TO 435 Clairmont Ave.Rcns.	0	-12,399.35		
520.9900.59584 TR-TO 439 Haley Ave.I&I Red.F	0	14,318.33		
Total - Transfer for Principal Reduction Adj.	0	1,918.98		
* GRAND TOTAL - ALL FUNDS	\$7,900	\$20,960.94	\$28,860.94	\$28,860.94

RESOLUTION NO. 052-12

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2012, LISTED IN EXHIBIT "A" (TRANSFER 3); AND DECLARING AN EMERGENCY

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter, and,

WHEREAS, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; and,

WHEREAS, Council previously authorized such a transfer in Resolution Number 090-11; however, another transfer is necessary; Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, pursuant to Section 5705.15 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2012 as listed in Exhibit "A", attached hereto and made a part of this Resolution.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 052-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

2012 APPROPRIATION BUDGET - TRANSFER OF FUNDS

RESOLUTION No. , Passed			
2nd Qt.Adjustments - 2012 TRANSFER OF FUNDS - No. 3 = TRANSFER AMOUNTS =			
FUND NAME, FROM - TO, PURPOSE	FROM	TO	Account Numbers From & To
Close 435 Project Fund - Reverse Original Entries:			
FROM: 510 WATER REVENUE FUND	-\$2,539.63		<- 510.9900.59579 TR-TO 435 Clairmont Ave.Recn.Prj.Fund
TO: 435 CLAIRMONT AVE.RECONST.PRJ.FUND		-\$2,539.63	<- 435.0000.49900 Transfers-In
Purpose: Water Share Funding for Debt Service on Roll-Over Notes, Reverse Entry.			
FROM: 520 SEWER (WWT) REVENUE FUND	-\$12,399.35		<- 520.9900.59579 TR-TO 435 Clairmont Ave.Recn.Prj.Fund
TO: 435 CLAIRMONT AVE.RECONST.PRJ.FUND		-\$12,399.35	<- 435.0000.49900 Transfers-In
Purpose: Sewer Share Funding for Debt Service on Roll-Over Notes, Reverse Entry.			
Close 439 Project Fund - Additional Funding:			
FROM: 510 WATER REVENUE FUND	\$596.60		<- 510.9900.59584 TR-TO 439 Haley Ave.I&I Rdtn.Prj.Fund
TO: 439 HALEY AVE.I&I REDUCTIONS PRJ.FUND		\$596.60	<- 439.0000.49900 Transfers-In
Purpose: Water Share Funding for Debt Service on Roll-Over Notes, Additional.			
FROM: 520 SEWER (WWT) REVENUE FUND	\$14,318.33		<- 520.9900.59584 TR-TO 439 Haley Ave.I&I Rdtn.Prj.Fund
TO: 439 HALEY AVE.I&I REDUCTIONS PRJ.FUND		\$14,318.33	<- 439.0000.49900 Transfers-In
Purpose: Sewer Share Funding for Debt Service on Roll-Over Notes, Additional.			
TOTALS (Net) - FROM	-\$24.05		
TOTALS (Net) - TO		-\$24.05	

RESOLUTION NO. 053-12

A RESOLUTION AUTHORIZING ENROLLMENT IN THE OHIO RURAL WATER ASSOCIATION 2013 WORKER'S COMPENSATION POOL, AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DIRECTING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH COMP MANAGEMENT, INC. (CMI) A WORKER'S COMPENSATION ADMINISTRATOR; AND DECLARING AN EMERGENCY

WHEREAS, the City in 2012 belonged to the Ohio Rural Water Association Worker's Compensation Pool; and,

WHEREAS, the City in 2012 desires to remain for the remainder of the year 2012 and for the entire year of 2013 in the Ohio Rural Water Association Pool; and,

WHEREAS, the State of Ohio allows for "pooling" with other entities to obtain savings in worker's compensation; and,

WHEREAS, the City desires to contract for Worker's Compensation Administration of its claims, **NOW THEREFORE**;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City's Finance Director is authorized and directed to enroll the City in the 2013 Ohio Rural Water Association Worker's Compensation Pool and continue in the Pool for the remainder of the year 2012.

Section 2. That, the City finds it necessary and therefore authorizes the expenditure of funds in an amount of two thousand, seven hundred eighty-five dollars (\$2,785.00) for a professional service contract with Comp Management, Inc., a Sedwick CMS Company (CMI), Dublin, Ohio, referred to as (CMI) a Worker's Compensation Administration Service. If additional amounts are required to cover the remainder of the year 2012, the same is hereby authorized.

Section 3. That, the City Manager is authorized and directed to enter into a Contract for professional services for Worker's Compensation Administration services with CMI substantially in the form as found in City Contract No. 2012-17, subject to amendments as he deems necessary or, in the alternative, utilize the automatic renewal provision as found in the Contract.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely filing of the Group Rating Enrollment with the State of Ohio, with a deadline of September 1, 2012; and, provided it receives the required number of votes therefore, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Glenn Miller, Council President

Approved: _____

J. Andrew Small, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 053-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2007.

Gregory J. Heath, Clerk/Finance Director

CompManagement, Inc.

GROUP RATING AGREEMENT

This Agreement is entered into as of _____, 20____, between
COMPManagement, INC., A SEDGWICK CMS COMPANY (CMI)
an Ohio corporation with a mailing address of P.O. Box 884, Dublin, Ohio 43017-0884
and **City Of Napoleon** (the Client), Policy No. **33505502**
with a mailing address and fax number of POB 151, Napoleon, Ohio 43545 (419) 599-8393.

The Client has insured its employees for workers' compensation coverage as required by federal or state laws and regulations.

The Client is a member in good standing of **Ohio Rural Water Association** (the Sponsoring Organization) and the Sponsoring Organization requires the services of an administrator to establish, operate and process claims filed on behalf of its members' workers' compensation group rating program for the policy period commencing January 1, 2013 and ending December 31, 2013 (the Program).

CMI administers and processes claims on behalf of employers subject to workers' compensation laws and regulations of the State of Ohio, the Ohio Industrial Commission, and the Ohio Bureau of Workers' Compensation (OBWC). In order to comply with the requirements of the Program, the Client desires to have CMI administer and process the claims submitted against the Client, and CMI desires to provide such services.

STATEMENT OF AGREEMENT

Now, therefore, it is agreed as follows:

1. AUTHORIZED REPRESENTATIVE

- 1.1 The Client acknowledges that the Sponsoring Organization has designated CMI as the Third Party Administrator (TPA) to establish, coordinate and administer the Program, including, but not limited to, receiving, processing and examining claims filed against the Client. The Client reserves the right to engage the services of an attorney for such claims-related matters in which such representation would be appropriate.
- 1.2 The Client hereby grants to CMI on its behalf the necessary authority to execute action on any documents which may be required in order to carry out the obligations of this Agreement. CMI shall use reasonable efforts (as defined by CMI) to consult with the Client regarding matters which require a Client decision. In the event CMI is unable to reach the Client, the Client agrees CMI may take any actions in such circumstances.

2. INDEPENDENT CONTRACTOR. In performing services pursuant to this Agreement, CMI shall be acting as an Independent Contractor of the Client, and not as an employee or agent of the Client.

3. SERVICES. In administering and processing claims submitted under the Program, CMI shall provide the following Standard Services:

- 3.1 review status of claims and rate histories to determine eligibility for participation in current and future group plans (entry requirements are determined by the Sponsoring Organization);
- 3.2 record all relevant claim information received from the Client and forward all correspondence to the appropriate agency for processing;
- 3.3 confer with the Client as to disputed cases, and contact the claimant, medical provider(s), and/or the involved state agencies as appropriate;
- 3.4 review all lost time claims to determine if all awards and reserves are made within the rules and regulations of the OBWC, requesting corrections in those cases where overpayments or incorrect reserves have been established, to the extent that such errors, when corrected, will result in favorable rate changes and/or refunds;
- 3.5 review all lost time claims to determine if "handicap refund," "second injury fund," or other cost relief is due the Client;
- 3.6 review all claims to determine if rehabilitation intervention is appropriate (costs relating to such intervention must be pre-approved by the Client and shall be the Client's responsibility);
- 3.7 upon authorization of the Client, arrange for an independent medical exam of claimant(s), the costs of such exam being the responsibility of the Client;
- 3.8 maintain, within its offices, such records as are necessary to verify the Client has assigned rate(s), including but not limited to, data processing files and actuarial records, which shall be the property of CMI;
- 3.9 confer with the Client regarding any changes to or actions necessary for a given claim, including arranging for representation at agency hearings as required;
- 3.10 report to the Client, through personal contact or special bulletins, any changes in procedures produced by

legislative or administrative revisions; and

3.11 other services listed on Exhibit A, if any is attached to this Agreement.

4. **REPORTS.** CMI shall provide the Sponsoring Organization with an annual report summarizing those claims against Participating Members of its Group during the previous year and/or affecting the current workers' compensation-rating period. Upon reasonable request of the Client, CMI shall provide the Client with special reports pertaining to certain claims.
5. **LOSS PREVENTION SERVICES.** CMI shall assist the Client in developing a consistent program to insure the quality control aspects of medical treatment for injured employees, and to insure full disclosure of medical facts for the determination of compensability. CMI shall also consult with the Sponsoring Organization regarding Accident Prevention, Safety Practices, Specific Code Requirements, and other matters relating to workers' compensation in order to reduce the number of work-related injuries and diseases.
6. **OBLIGATIONS OF THE CLIENT.** During the term of this Agreement, the Client shall comply with all of the terms and conditions set forth in this Agreement, and all policies, protocols, acceptance criteria, accident prevention programs, claims management programs, and rules and regulations of the Program, including without limitation the following:
 - 6.1 The Client shall comply with all statutes and regulations of the State of Ohio, whether currently in force or enacted in the future, that apply to the Program, including but not limited to the OBWC group rating rules (Ohio Admin. Code 4123-17-61 through 4123-17-68). The Client accepts sole responsibility for understanding and complying with these rules.
 - 6.2 The Client shall distribute claims forms to employees and medical suppliers as necessary.
 - 6.3 The Client shall submit to CMI all claims applications, supporting documentation, and follow-up correspondence it receives pertaining to a claim filed against it.
 - 6.4 The Client shall implement accident and safety programs established by the Sponsoring Organization or CMI or under the Program for the purpose of reducing injuries and to comply with the OBWC group rating requirements.
7. **PROGRAM PARTICIPATION.** The Client acknowledges that the Sponsoring Organization or CMI may from time to time promulgate new rules and regulations as are reasonably justified. The Client represents, warrants and covenants that it is in compliance with the following OBWC participation requirements or that, as of the date indicated below, it shall be in compliance with such requirements:
 - 7.1 The Client is and must remain a member in good standing with the Sponsoring Organization during the policy period.
 - 7.2 The Client has not applied to more than one group plan for the policy period.
 - 7.3 The Client is current (not more than forty-five (45) days past due) on any and all disputed premiums, assessments, penalties, or any other monies otherwise due to any fund administered by the OBWC, including retrospective rating as of the group rating application deadline.
 - 7.4 If the Client is participating in a partial payment agreement for premiums or assessments, as of the group rating application deadline, they must be current on payments due to the Attorney General's office.
 - 7.5 The Client does not have cumulative lapses in workers' compensation coverage in excess of fifty-nine (59) days within the eighteen (18) month period before the group rating application deadline. However, the same cumulative lapse period will not be used to disqualify an employer for more than one (1) year.
 - 7.6 The Client is in active status for workers' compensation premium purposes as of the group rating application deadline and must remain in active status through the beginning date of this Agreement.
 - 7.7 The Client submits a fully completed original AC-26 Employer Statement for Group Rating Plan executed by a corporate officer, partner, or owner. CMI additionally requires execution and receipt of this signed Agreement. Lack of either item or further information which may be requested by CMI shall constitute just cause for refusal by CMI, with or without notification to the employer, to further process the employer for the group rating program.
8. **CLIENT DISCLOSURE; PROHIBITED PRACTICES**
 - 8.1 The Client acknowledges that, as part of the enrollment process, it has made representations to CMI regarding its past and present status as a Professional Employer Organization or Employment Leasing Operation. Further, the Client has made representations to CMI as to any past merger, acquisition, reorganization, consolidation or any other business activity that involves the potential combination by the OBWC of the Client with other workers' compensation risk accounts. The Client understands that this information has been sought to permit CMI to evaluate the potential impact that successorship and resulting risk combination by the OBWC could have upon the Program. The Client agrees that its application and acceptance into the Program are based upon its represented operating structure and resulting OBWC claim history at the time of application and enrollment.
 - 8.2 The Client does not currently operate, and does not intend to change its operations to perform, as either a Professional Employer Organization or Employment Leasing Operation, and has not, prior to this Agreement, leased its employment force from a leasing company. The Client further recognizes that any false representation or failure to disclose material information regarding employee leasing will result in an obligation to reimburse the Program and/or Participating Members for the negative financial impact of any successorship imposed by the OBWC on the Client. Furthermore, in such case, CMI shall seek to have the Client removed from the Program and the Group. The Client agrees that, during the term of this Agreement, it will not change from the current business structure to operating as a Professional Employer Organization or Employment Leasing Operation as defined by the OBWC.
 - 8.3 The Client agrees that, during the term of this Agreement, it will not be involved in a merger, acquisition, reorganization, consolidation, or any other activity that will result in the OBWC finding that the Client is a succeeding employer, with

negative financial impact on the Program. The Client agrees to give written notice to CMI ninety (90) days in advance of any such action so that a determination may be made as to the effect on the Program.

- 8.4 The Client agrees that it will be liable for and pay to a fund held by CMI, or its designee, an amount equal to any additional premiums imposed by the OBWC on the Program and/or Participating Members, for any Program year, due to a successorship imposed by the OBWC on the Client. This fund will be distributed on an equitable basis to Participating Members that paid additional premiums to the OBWC for the policy period. The Client further agrees to assume its own liabilities arising from its action, including all losses, costs and expenses.
9. **GROUP RATE.** The client understands that the group rate must be estimated in advance of the policy period and is based upon the most recent policy period, and the actual group rate will vary depending upon multiple factors. The Client is solely responsible for any assessments of premiums owed to the OBWC. In no event shall CMI or the Sponsoring Organization be held liable for premiums or additional monies owed by the Client due to rate changes calculated by the OBWC.
10. **GROUP PARTICIPATION.** The Client understands that participation requirements of the Program are solely determined by the Sponsoring Organization, with consultations from its consultants including but not limited to CMI. While it is the intention of the Program to accept and retain as many applicants as possible, acceptance is contingent upon a final review by CMI and compliance by the Client and other Participating Members with the group rating rules and regulations of the OBWC and the requirements of the Program and this Agreement. *The Sponsoring Organization, at its discretion, may rescind the program invitation and declare this Agreement null and void by giving the Client notice before the filing of the program application with the OBWC.* The Client acknowledges that it shall have no right to continued participation in any successor group formed for any period after the initial term of this Agreement. Such continued participation shall be determined on a case-by-case basis by CMI in its sole discretion in consultation with the Sponsoring Organization.
11. **ALLOCATION OF SAVINGS.** Under circumstances deemed appropriate by the Sponsoring Organization, the plan administrator reserves the right to convert this Agreement to a pooled savings distribution method to equalize savings to plan participants. Under this method, the Client agrees that the Sponsoring Organization, at its own discretion, may establish a savings pool, which would equitably redistribute plan savings among members.
12. **TERM.** The initial term of this Agreement shall be from January 1, 2013 through December 31, 2013 with the exception Section 8, which shall survive termination of this Agreement. The Agreement shall renew itself at the end of the contractual period for successive one (1) year periods to furnish services that are the subject of the contract as applied to successive policy terms, subject to the Client's ability to meet the renewal criteria established by the program and the OBWC, including the payment of dues, service fees and pooling adjustments (if applicable), unless the Client provides at least 30 days written notice to CMI, prior to each expiration date, of its intent not to renew.
13. **TERMINATION.** The Client may not terminate this Agreement or withdraw from the Program without the prior written consent of CMI and the Sponsoring Organization, either of which, the Client acknowledges, may deny such consent for any reason it deems appropriate. In the event that it is determined by a court, a governmental agency, or CMI that the Program fails to meet the requirements for group rating plans or that the Client fails to meet the requirements (whether under Ohio law or the standards of CMI or the Sponsoring Organization) for participation in the Program, this Agreement shall be automatically terminated, and CMI and the Sponsoring Organization shall have no liability to the Client for any losses or damages arising from or relating to such failure; provided that CMI shall refund a portion of the annual fee pro-rated on the number of months remaining in the term of this Agreement. The Client acknowledges that in the event of termination, neither the Sponsoring Organization, nor CMI, nor their members, directors, agents, agencies, assigns, affiliates, and/or subsidiaries shall have any liability out of terms and services as provided in this Agreement.
14. **PAYMENT FOR SERVICES.** The Client shall pay to CMI for Standard Services, Reporting Services, Loss Prevention Services and CMI's other obligations under this Agreement, an annual fee which has been jointly approved and adopted by the Sponsoring Organization and CMI. CMI will provide to the Client, not less than thirty (30) days before the expiration date of any contractual period, written notice of the service fees for the next succeeding term. All fees are payable within thirty (30) days of invoice date. Late payments are subject to a service charge of 1 ½% per month (18% annualized rate). See Exhibit "B" Invoice attached.
15. **NON-STANDARD SERVICES.** Non-standard services shall include any service not described above. The Client may request non-standard services, and CMI shall promptly advise whether or not CMI is able and desires to provide such service and the fee required for such services.
16. **CONFIDENTIALITY/NON-SOLICITATION.** It is understood and agreed that all statistical, financial and personnel data relating to the Client and any of its employees provided to CMI by the Client, or any employee thereof, pursuant to this Agreement is confidential, and CMI and its employees shall keep such information in the strictest confidence except to the extent necessary to perform the services to be rendered hereunder.
- The parties agree that they will not employ any person employed by the other during the term of this Agreement and for a period of one (1) year following its termination, without the prior consent of the other party, except in instances in which this provision is otherwise overridden by Ohio law.
17. **WAIVER.** The failure of any party to this Agreement to object to, or take affirmative action with respect to, any conduct of the other which is in violation of the terms of this Agreement shall not be construed as a waiver of the violation or any future breach or subsequent wrongful conduct.
18. **PENALTIES.** All penalties or fines assessed by any federal, state or local regulator shall be paid by the party responsible for the assessment of the penalty or fine.

19. **NOTICES.** All notices and communications under this Agreement shall be personally delivered, sent by U.S. certified mail, postage prepaid, return receipt requested, or by fax with confirmation of receipt, to the other party at the address or fax number set forth at the beginning of this Agreement, or to such other addresses as either party may instruct by notice, and shall be deemed received when so delivered.
20. **PRACTICE OF LAW.** The practice of law is governed by the Supreme Court of the State of Ohio. Third party administrators such as CMI are prohibited from providing services that would constitute the unauthorized practice of law. All services provided under this Agreement shall not be in violation of the rules and regulations promulgated to govern the unauthorized practice of law. Pursuant to current and future rules and regulations, CMI shall not provide any services that are construed to constitute the unauthorized practice of law.
21. **APPLICABLE LAW; BINDING EFFECT; ASSIGNMENT.** This Agreement shall be governed by the laws of the State of Ohio, and shall be binding upon and inure to the benefit of the parties and their respective successors and assigns and may not be changed orally but only in writing signed by the parties. The Client may not assign this Agreement without the prior written consent of CMI.
22. **MISCELLANEOUS.** The Client acknowledges and agrees that no representations or warranties were made by CMI to induce Client to enter into this Agreement, except for those representations and warranties contained in this Agreement. If any provision of this Agreement shall be held invalid, illegal or unenforceable, the validity, legality or enforceability of the other provisions hereof shall not be affected thereby, and there shall be deemed substituted for the provision at issue a valid, legal and enforceable provision as similar as possible to the provision at issue. This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed an original, but all of which together shall constitute one and the same instrument. The Sponsoring Organization and the other Participating Members shall be deemed to be third party beneficiaries of this Agreement, and as such, the Sponsoring Organization and the other Participating Members shall have all rights and benefits accruing to them as set forth in this Agreement. Except as set forth in the preceding sentence, nothing contained in this Agreement shall be construed as creating any rights or benefits in or to any other party.
23. On January 1, 2013, this Agreement will terminate and replace the Agreement between the parties which commenced January 1, 2012 and ends December 31, 2012.
24. **ENTIRE AGREEMENT.** This Agreement, including the Attached Exhibit(s) if any, constitutes the entire understanding between the parties concerning its subject matter. All prior negotiations and agreements of the parties with respect to any of the duties and obligations set forth in this Agreement are merged into this Agreement. There are not other agreements or understandings between the parties, express or implied, written or oral, that are not reduced to writing herein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

SIGNATURES

CompManagement, Inc., a Sedgwick CMS Co.

Employer: **City Of Napoleon**

By: Stephanie B. McCloud

By: _____

Printed: Stephanie B. McCloud

Printed: _____

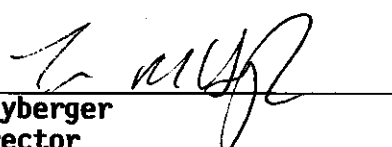
Title: Sr. Vice President

Title: _____

Approved as to form and correctness:

Policy No. 33505502

Trevor M. Hayberger
City Law Director



RESOLUTION NO. 054-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2013; AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2013, including but not limited to execution of Grant Agreement(s).

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the application to be timely filed for consideration, funds to be used, if received, for public improvements related to public peace, health safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

J. Andrew Small, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 054-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 055-12

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENERGY PURCHASE AGREEMENT KNOWN AS THE "ECOSMART CHOICE PROGRAM" WITH AMERICAN MUNICIPAL POWER, INC AND ESTABLISHING 939.04 OF THE ELECTRIC RATES TO SET THE RATES FOR THE "ECOSMART CHOICE PROGRAM"

WHEREAS, the City of Napoleon ("City") operates a municipal electric utility system; and,

WHEREAS, American Municipal Power, Inc. ("AMP") is an Ohio nonprofit corporation that functions as a wholesale power supplier and services provider for certain member municipalities, including the City, that operate electric systems ("Members"); and,

WHEREAS, the City desires to offer its electric customers a "green energy" choice in electric power sources; and,

WHEREAS, AMP has developed a green energy program names EcoSmart Choice® ("EcoSmart Choice Program") that provides for the sale of green energy electricity products, including energy generated from hydroelectric, wind and landfill gas facilities, to certain consumers within Member communities, including City of Napoleon; and,

WHEREAS, the City desires to participate, and AMP desires that the City participate in the EcoSmart Choice Program, on terms and conditions as generally set forth in a participating member agreement between AMP and the City ("Participating Member Agreement"), on file with the Clerk; and, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City Manager is hereby authorized to enter into a Participating Member Agreement between AMP and the City under which the City will purchase from AMP and resell to participating customers such energy from renewable energy sources as is indicated by the rate of customer participation, and otherwise participate in the EcoSmart Choice Program, substantially in the form as is set forth in the Participating Member Agreement.

Section 2. That, Chapter 939 "Electric Rates" of the Codified Ordinances of the City of Napoleon, is hereby amended and enacted as follows:

"939.04 ECOSMART CHOICE PROGRAM

Any electric customer of the City may choose to enroll in the EcoSmart Choice Program. The EcoSmart Choice Program allows customers to offset a portion of their electricity purchases with renewable energy certificates (RECs). The customer will have an increase in electric rates of \$0.005 per kWh (base price) plus \$0.002 per kWh (to be retained by the City) for a total of \$0.007 per kWh. The customer can have participation levels ("usage breaks") of 50% (fifty percent) and 100% (one hundred percent)."

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 055-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

Memorandum

To: Technology and Communication Committee, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 7/19/2012

Re: Technology and Communication Committee Meeting Cancellation

The August 6, 2012 meeting of the Technology and Communication Committee has been CANCELED due to lack of agenda items.



Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

July 27, 2012

Lively Grove Mine receives safety award

By Larry Marquis – vice president for Prairie State construction

Prairie State Generating Company's Lively Grove Mine has won the Quarterly Holmes Safety Award again for the second quarter of 2012.

The award is given to the underground mine with the best lost time accident frequency rate in the Chapter. The Holmes Safety Association Chapter covers all mines in southwestern Illinois.

This is the third quarter in a row that PSGC has won the award, and the fourth out of five quarters since becoming eligible to participate in the second quarter of 2011.



Humid weather brings loads close to peak

Mike Migliore – assistant vice president of power supply planning and transmission

Thursday's humid weather brought loads close to this year's peak until afternoon storms ended the high air conditioning demand.

Listed below are the preliminary peak loads seen on the PJM system through July 26.

The 1CP peak determines the hour when transmission costs are determined, while the 5CP peaks determines the five hours that set the installed capacity requirement for each load.

- FirstEnergy 1CP – July 17 at 5 p.m. at a load of 13,514 MW
- AEP 1CP – June 29 at 3 p.m. at a load of 23,320 MW
- Duke 1CP – June 29 at 4 p.m. at a load of 5,445 MW
- APS 1CP – June 29 at 5 p.m. at a load of 8,524 MW
- PP&L 1CP – July 18 at 2 p.m. at a load of 7,381 MW
- MetEd 1CP – July 18 at 2 p.m. at a load of 3,036 MW
- PJM's 5CPs were on:
 1. July 17 at 5 p.m. at a load of 154,341 MW
 2. July 18 at 2 p.m. at a load of 152,764 MW
 3. July 6 at 5 p.m. at a load of 151,962 MW
 4. July 16 at 5 p.m. at a load of 148,666 MW
 5. July 5 at 4 p.m. at a load of 148,086 MW

Letter template available for member RICE NESHAP comments, which are due Aug. 9

By Julia Blankenship – manager of energy policy and sustainability

As you may recall, the U.S. Environmental Protection Agency (EPA) has issued proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for reciprocating internal combustion engines (RICE units); comments on the proposed amendments, which AMP supports, are due Aug. 9.

AMP is in the process of finalizing our comments in support of the added flexibility for emergency demand response, as well as a new temporary

see LETTER Page 2

Hometown Connections revamps its website

By Eric Lloyd – director of marketing/member relations

Hometown Connections Inc. (HCI) is the utility services subsidiary of the American Public Power Association (APPA).

As many of you may know, AMP is a marketing affiliate for HCI, who partners with specific organizations to provide a key suite of products that are relevant to the utility industry.

From smart meters to cyber security to cost of service studies, HCI partners with more than 15 companies to provide extensive solutions to municipal electric utilities.

Please take a look at their newly revamped website to understand even more about HCI at www.hometownconnections.com.

Feel free to contact Alice Walker at awalker@amppartners.org or me at elloyd@amppartners.org for more information.

Feel free to contact Alice Walker at awalker@amppartners.org or me at elloyd@amppartners.org for more information.

Manecke joins AMP staff

By Krista Selvage – manager of publications

Drew Manecke is the newest member of the AMP staff. He started Monday in the Planning Department as a power supply planning engineer.

He will report to Craig Kleinhenz and work in project development – examining generation and transmission options.

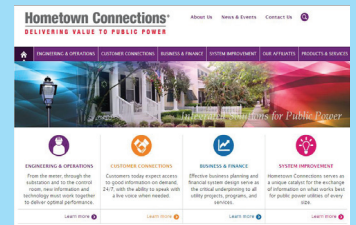
Manecke previously worked in equities brokerage and trading, fixed income brokerage and trading, venture capital and investment banking, and mortgage underwriting.

A resident of the Short North in Columbus, Manecke holds a bachelor's degree from Wittenberg University and a master's degree from the University of Michigan-Ross School of Business.

Please join me in welcoming Drew.



Drew Manecke



LETTER continued from Page 1

allowance for peak shaving. AMP also will be seeking clarification from the agency on a number of other issues in our filed comments, plus asking EPA to align the compliance deadlines for different engine types. AMP's comments will be posted on the AMP website once filed.

In addition to AMP filing more comprehensive comments, members are encouraged to file simpler letter comments as well, as the proposed amendments provide valuable improvements over the current rule but are under attack from various environmental and merchant power interests.

AMP has prepared a letter-comment template to ease this process. The template, which is designed to be customized by your local utility, is posted on the Member Extranet main page.

Letter comments are also due to EPA by Aug. 9. We urge you to use this simplified process to weigh in with EPA with your support for the proposed amendments.

Please let me know if you have any questions at jblankenship@amppartners.org or 614.540.0840.

Roy Dolezal, Kyle Weygandt earn highest designation from NASP

By Krista Selvage

AMP employees Roy Dolezal, safety supervisor; and Kyle Weygandt, OSHA compliance coordinator; both recently completed Licensed Safety Professional (LSP) and Master Safety Administrator (MSA) training.



Roy Dolezal



Kyle Weygandt

"This new information will be a great benefit to our member communities by providing more safety topics, up-to-date information, and support the investment of an active, living safety culture," Weygandt said.

LSP and MSA are the highest designations one can earn through the National Association of Safety Professionals (NASP), a nonprofit world-wide agency which provides online safety education and certification.

Weygandt graduated in March and Dolezal completed the program in July.

Not just anyone can sign up to be certified.

"You apply to be accepted to the program," Dolezal said. "You have to be in the safety field and have the experience."

The training is extensive. The many courses, which have topical safety subjects, are also certifications. Courses include: Safety Manager/Trainer (SPS/STS), Certified Safety Auditor (SAC), Certified Safety Manager (CSM)[®], Advanced Safety Professional (ASP/CSC), Environmental, Health & Safety Management Specialist (EHS), Certified Safety Administrator (CSA), Master Safety Administrator (MSA), Licensed Safety Professional (LSP)[®].

As with most credentials, the holder must continue their education by attending 10 Continuing Educational Units (CEU) per year and re-test for licensure every three years.

On Peak (16 hour) prices into AEP/Dayton Hub

Week ending July 27

MON	TUE	WED	THU	FRI
\$60.75	\$51.25	\$53.75	\$66.75	\$50.25

Week ending July 20

MON	TUE	WED	THU	FRI
\$60.75	\$87.75	\$87.00	\$49.50	\$35.75

AEP/Dayton 2012 5x16 price as of July 27 — \$40.30

AEP/Dayton 2012 5x16 price as of July 20 — \$40.00

Reminder: Sustainability Subcommittee webinar takes place Aug. 1

By Julia Blankenship

AMP's Sustainability Subcommittee will be meeting via webinar from 2 to 3 p.m. Aug. 1.

The agenda will feature a discussion of LED street lighting retrofit projects that a number of AMP members have undertaken. There will also be a member roundtable, where all participants will be able to share information on their communities' own sustainability efforts.

If you have not already done so, please RSVP to me at jblankenship@amppartners.org with your email address so webinar log-in information can be sent.

To participate, you will need both an Internet connection and a phone line. Participation on the Sustainability Subcommittee is open to all AMP member communities. We look forward to your participation.

Frequent updates enhance 2012 online Member Directory

By Bethany Kiser — manager of electronic publications/website

The 2012 AMP Member Directory has already been updated since its launch earlier this month. The new online format allows us to provide employees and member communities with the most up-to-date contact information and statistics we have available.

As a reminder, the directory is located on the Member Extranet section of the AMP website (login required).

Since we are updating the directory regularly, if you download a copy to your desktop, please check the "last updated" date on the directory's web page.

The Member Directory has always been a useful tool, but the choice to go online this year makes it more user friendly and falls in line with the sustainability goals that AMP's Board has established.

Your feedback is important to us and helps make the directory more useful.

If you have questions or need more information, please contact me at 614.540.0945 or bkiser@amppartners.org.



AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

This week was not quite as hot and humid as the last couple of weeks. Despite this, AFEC still had a strong generation week.

The plant had an average load factor of 81 percent this week with duct burners operating almost 68 percent of the time.

The plant was never dispatched offline and was only brought down to minimum load during last weekend. On-peak market prices were \$13 lower than the previous couple of weeks, but the plant operating costs were still well below on-peak market costs (\$22 below for base and \$15 below for duct).

The plant is taking a maintenance outage this weekend, but is expected to be back online Monday morning.

Markets close on warm weather

By Craig Kleinhenz

Warm temperatures have persisted this week and are expected to be slightly above normal for the next couple of weeks (although much cooler than the last three weeks).

This warmer weather has increased gas usage and continues to help balance the current natural gas over-supply situation. August natural gas prices increased this week to finish trading up \$0.10 / MMBtu to end at \$3.10 / MMBtu.

With the August contract expired, trading focus now shifts to the September contract which is currently at \$3.09 / MMBtu.

The 2013 on-peak electric prices at AD Hub finished yesterday up another \$0.30 / MWh from last week closing yesterday at \$40.30 / MWh.

Update Classifieds

City of Painesville looks to fill electric distribution positions

The City of Painesville, Ohio, a public power community located 30 miles east of Cleveland, has two openings for an electric distribution worker I (first class lineman).

This position requires considerable knowledge of advanced electrical work in installation, maintenance and repair of distribution lines and related components of the municipal electrical distribution system.

High school diploma or GED supplemented by training courses covering electricity, meters, oil circuit breakers, transformers and related equipment is required. Valid commercial driver's license required.

Submit application or resume to HR Dept., City of Painesville, 7 Richmond St., PO Box 601 Painesville, OH 44077-0601 or via email to hr@painesville.com. EOE Position is open until filled.

Assistant city manager of utilities is needed in Danville

The City of Danville (45,000) seeks an energetic, proactive, creative leader to manage Danville Utilities, a municipal provider of electric, gas, water, wastewater, and telecommunications services in a 500-square mile territory.

Appointed by and reporting directly to the city manager, the assistant city manager of utilities is responsible for leading a progressive organization that delivers exceptional customer service, operates effectively and efficiently, maintains a world class workforce, contributes to developing Danville's new economy, and meets environmental and community responsibilities.

Danville Utilities serves 42,000 electric meters, 16,000 gas meters, and 18,000 water meters. Its open access fiber optic telecommunications system serves 200 municipal, school, and business locations. Fiber-to-the-neighborhood deployments are now under way. The Utilities Department employs 174 and operates on a \$166 million annual budget. A City Council-ap-

pointed Utility Commission provides policy oversight.

Position requires a bachelor's degree in engineering, public administration, business, or related field; masters degree in public or business administration is preferred. Extensive experience in utilities, public works, or local government management is required.

Salary range: \$90,429 to \$120,000, DOQ, plus generous fringe benefits package. Visit our website to apply online www.danville-va.gov Attach cover letter, detailed resume, credentials, and salary history. Position will remain open until filled. City Residency is required. All submissions are confidential. For additional information on Danville Utilities, please visit www.danvilleutilities.com. Equal Opportunity Employer.

Orrville transformers available

The City of Orrville has 10, 15 and 25kVA overhead transformers available for purchase. All transformers are 4800/8320V primary with 120/240V secondary.

Interested parties should contact Richard Smith, Orrville distribution superintendent, at 330.684.5149.

Line truck for sale by Dover

The City of Dover is selling a 2003 International 4300/HI-RANGER 67-foot Bucket/Line Truck. An online auction at www.govdeals.com ends Aug. 8. Enter 4259-5 in the QAL (Quick Asset Lookup) box located on the home page of the website.

Details include: 2003 International 4300 Conventional Cab, 7.6L, L6, DT466 230 HP Diesel Engine, with a 5-Speed Allison Automatic Transmission. The vehicle is in good condition; and starts, runs and is operable.

This truck was purchased in anticipation of an inertia loop, with higher poles than throughout the rest of the City of Dover's system, which never materialized. It has seen very little use as a result. Only 2,481 actual miles and 432 hours of operation. Call 334.387.0515 for more information.

Legislative Bulletin

Legislative Information

July 30, 2012

OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM BILL RECEIVES FIRST HEARING

Pension reform (SB 343) is scheduled to be on the House floor in September. Prior to this week, many individuals predicted the reform package, which already passed the Senate, would not be taken up by the full House before November's election. But it appears that is not the game plan now. The bill will receive regular hearings in a House subcommittee this month and during August, (SCHEDULE BELOW) with the intent of the legislation being ready for the House floor when the House of Representatives returns on September 11 or 12.

There are two things worth mentioning; the Senate has yet to announce when it will consider any changes that the House may make to the bill and House leaders are not talking about adding an emergency clause to SB 343, despite recent speculation by some to the contrary. Moreover, OPERS will need at least the traditional 90 days wait period to ramp up in order to implement the provisions of SB 343.

Members of the House Health & Aging: Pension Reform Subcommittee, which will conduct hearings on SB 343, includes the following representatives:

Kirk Schuring, Chair (R-Canton)
Robert F. Hagan, Ranking Minority Member (D-Youngstown)
Richard Adams (R-Troy)
Lou Blessing (R-Cincinnati)
Dorothy Pelanda (R-Marysville)
Dan Ramos (D-Lorain)
Lynn Wachtmann (R-Napoleon).

The Subcommittee's remaining schedule is as follows:

- 1 p.m. Wednesday, Aug. 1: Presentations by Highway Patrol Retirement System and Ohio Police & Fire Pension System.
- 1 p.m. Wednesday, Aug. 8: Presentation by State Teachers Retirement System.
- 1 p.m. Wednesday, Aug. 15: Sponsor testimony on Senate pension reform bills.
- 6 p.m. Tuesday, Aug. 21: All testimony.
- 1 p.m. Wednesday, Aug. 22: All testimony.
- 6 p.m. Tuesday, Sept. 4: All testimony.
- 1 p.m. Wednesday, Sept. 5: All testimony.
- 1 p.m. Wednesday, Sept. 12: If needed.
- 6 p.m. Tuesday, Sept. 18: If needed.

Currently, the main components of SB 343 are the following:

Age and Service Eligibility -- Moving forward, members will be required to work longer to become eligible to retire. The bill includes a minimum age requirement of 55 years old and increases by two the age eligibility for reduced benefits. Those eligible to retire within 5 and 10 years would fit into a transition plan. Those who do not meet the eligibility requirements for those two groups would retire exclusively under the new law.

Final Average Salary (FAS) – SB 343 increases the FAS from 3 to 5 years.

Cost of Living Adjustment (COLA) – The bill changes the flat, simple, non-compounded COLA from 3% to the Consumer Price Index with a 3 percent cap. There is a 5-year transition period for those who are eligible to retire within 5 years of the bill's enactment.

Benefit Formula -- Under the proposed changes, the benefit formula would be modified so that a member would receive 2.2% of Final Average Salary (FAS) for the first 35 years of service, and 2.5% of FAS thereafter. Currently, the 2.5% multiplier applies to years of service over 30.

Age and Service Reduction Factors – SB 343 eliminates these statutory reduction factors and instead authorizes OPERS' to have them determined by its actuary to eliminate the subsidization that is occurring within the current statutory framework.

Please remember all of the proposed changes are not effective to all groups. The system created an A, B and C group when they designed the legislation and the Senate supported that concept. We will have to see what the House proposes in the upcoming weeks.

Again, those are the main components of SB 343. Other changes include an anti-spiking provision, increases in the minimum earnable salary for service credit, and disability modifications.

For more information about SB 343's provisions and how the bill would impact you, please go to the OPERS website at <https://www.opers.org/>.



Ohio Municipal League

Our Cities and Villages ★ Bringing Ohio to Life

HEALTH CARE COST COMMITTEE

Meeting Minutes

Thursday, July 26, 2012 at 8:30 AM

PRESENT

Commission Members

Mike Foreman (PD) - Chair, Jamie Mendez (PD), Chad Lulfs (NB), Mary Thomas (NB), Eric Rohrs (Fire), Joel Frey (Fire), Leonard Durham (AFSCME), Roger Eis (AFSCME), Greg Heath (AD), Jon Bisher (AD)

Recorder

Barbara Nelson

City Staff

Tony Cotter, Tracy Crist, Greg Kuhlman, Gloria Mikolajczak, Jeff Nicely, Chris Peddicord, Sheryl Rathge, Kristi Rhoads, Robert Weitzel, Tom Zimmerman

ABSENT

None

Call To Order

Chairperson Foreman called the meeting to order at 8:32 AM.

Approval Of Minutes

Minutes from the July 13, 2012 meeting stand approved.

Proposed Health Care Plan Recommendations

Foreman said he talked with several people about Option #3 that was proposed at the last meeting. He does not believe we can get a yes vote on it. He recommended keeping the plan the same, but increasing the employee share of the premium from 10% to 12-1/2% in 2013 and to 15% in 2014. Also, employees could absorb half of our own deductible in 2014. The 4-tier plan ends up costing more than 2 tiers. He heard opposition to the \$100 emergency room copay. \$50 might be more agreeable. Paying 15% of the current plan will cost \$50 more per month. We need a transition time. The government could penalize us for having a Cadillac plan in the future, so we can start taking steps to not have one. Lulfs said we have to sell the plan to our people and to Council. Foreman said if it is rejected we come back to the table here or at negotiations. Bisher said if it goes into union negotiations, it will probably end up in arbitration.

Heath said we need to have a 4-tier plan if we're going to force spouses off the plan. We can debate the level to pay. Frey said several of his people said they are not in favor of the spouse charge. Durham said it's not fair for the City to pick up the cost of spouses just because the spouse's plan is more expensive. Lulfs said we have to look at not only what will benefit us, but how Council will see it. Frey suggested charging \$50/month to keep a spouse on the plan. Heath said we could grandfather spouses of current employees at a lower rate and say new employees cannot add their spouse if they have an insurance option at their employer.

Those present agreed to keep the current plan (\$750 Single/\$1,500 Family) with 4 tiers. In 2014, the employee will pick up half of the deductible share which would be \$375 single and \$750 family (plus 2 other tiers to be determined by Huntington Insurance). Kuhlman asked whether it's the deductible or having a spouse on the plan that affects the premium the most. Heath said usage is the key to cost. By removing the spouse, you remove usage.

Mikolajczak said our insurance representative indicated children don't use as much insurance as adults. Lulfs said a plan with husband and wife is more expensive than a parent and 4 kids in the 4-tier plan. Kuhlman asked if the deductible needs to be changed if having a spouse on the plan is the biggest issue. Bisher said a higher deductible also goes back to the issue of usage. If you have to pay, you won't use it as much.

Nicely said doctors bill according to whether you have insurance or not. You pay less if you don't have insurance. Rathge said several people retired last year and their positions weren't filled, plus 3 or 4 more will retire this year. Will Council take into consideration the amount of money that has already been saved on insurance due to retirement? Heath said public employees are the goat now. Most Council members are in industry and pay more for their health insurance.

Weitzel asked if there is a level of comparison for spouse's health care plans. Some of them are awful plans, Bisher said the Committee considered that, but didn't want to get into analyzing plans. That's why we went to a penalty amount. The government is making us socialize costs. Heath said a company may choose to pay a penalty and not offer health insurance. Bisher said the government will tax employees with a Cadillac plan. Weitzel said he doesn't want to be taxed for a Cadillac plan, but doesn't want to take it too far the other way either. Foreman said we want to show Council that we are taking steps and willing to pay more and come together as a committee and unanimously pass it. Bisher said not many cities have universal plans. Executives often write things into their own contracts. This committee works because everyone on it is in the same boat.

Members agreed to keep coinsurance and maximum out of pocket the same. There was discussion about raising the office copay to \$20 and lowering the ER visit rate to \$50. Bisher said many people nowadays go to the ER instead of going to the doctor and everyone pays a huge amount of money for that. Weitzel asked why our insurance would pay for an ER visit that is not an emergency. Heath said it's because it is easier to bill an insurance company than an individual. Kuhlman suggested keeping the office copay to \$10 and raising the ER visit rate to \$100 or more to keep people from using the ER. Members agreed to keep the office visit copay and the Urgent Care copay at \$10 and raise ER visits to a \$100 copay.

Members agreed to recommend prescription drugs cost \$5 generic, \$20 formulary and \$40 non-formulary. Mail order (maintenance drugs – 90 day supply) recommended cost \$10 generic, \$40 formulary, and \$80 non-formulary. Lulfs said Huntington Insurance recommended these rates. Members agreed that employees should pay 12.5% of their health care premium in 2013 and 15% of the premium in 2014.

After a lengthy discussion, members agreed to recommend that current employees pay \$50 per month to have their spouse on the plan if the spouse's employer offers a health care plan. New employees hired after the new health care plan goes into effect will pay \$100/month for coverage of a spouse who is eligible for coverage by his/her employer. If the spouse has no other coverage available, then they would be allowed to remain on

the City employee's policy. There will be no penalty if a husband and wife both work for the City.

Eis asked if there will be a grace period to implement the spousal provision. His wife may not be able to get off the policy until next October. Heath said there should be a grace period based on the spouse's employer's open enrollment period. We will have to do a survey first to find out when those are. Lulfs asked if a current employee who gets married three years from now would have to pay the higher rate for their spouse. Foreman said they would pay the lower rate because the rate goes by the employee's hire date. Bisher said if someone leaves City employment and comes back later, they would start over.

Cotter asked if kids can stay on the City plan if a spouse goes off of it. Mikolajczak said we would have to address that with our insurance specialist. Bisher said it probably has to do with who has custody. Durham asked about spouses who have to pay for insurance premiums three months of the year. Bisher said it would probably be cheaper to pay \$50 per month to be on the City plan than pay a full premium for 3 months. Bisher said he will have to handle any administrative issues that come up with the plan.

Nicely thanked the Committee for coming back and looking at the plan. Most of the people he works with were not happy with the previous recommendation. Lulfs said we don't have the numbers to put with this recommendation. We don't know how much the City's health insurance plan rates may go up next year.

Motion To Propose Health Care Plan Recommendations To Council

Motion: Lulfs

Second: Thomas

To propose the following Health Care Plan recommendations to Council:

- Instead of two (2) plan option (single & family), there would be four (4) options (single, family, husband/wife, & single parent with children)
- Current deductibles remain the same for 2013, although deductibles for the two (2) new options (husband/wife & single parent with children) will be determined by our insurance representative. In 2014, employees will be required to pay for 50% of their respective deductibles.
- Our coinsurance is currently 100% paid by the City. This will remain the same (except for the 50% of the respective deductibles in 2014).
- Current maximum out-of-pocket cost to employees is \$0. This would remain the same in 2013 but would be 50% of the respective deductibles in 2014.
- Current Office Visit Co-Pay is \$10. This will remain the same.
- Current plan has no Co-Pay for Emergency Room visits. This would be adjusted to \$100 per Emergency Room visit.
- Urgent Care visits would fall into the deductible revisions (co-pays will still apply).
- Prescription Drug coverage (retail) currently has a \$50/\$100 deductible, and then is covered 70%/30%. This would be revised to flat rates of \$5 generic, \$20 formulary brand, & \$40 for Non-Formulary Brand with no deductible.

- Prescription Drug coverage (Mail Order) currently has flat rates (90 day supply) of \$0 Generic, & \$5 Formulary Brand. This would be revised to flat rates of \$10 Generic, \$40 Formulary Brand, & \$80 for Non-Formulary Brand.
- Employees currently pay for 10% of our healthcare plan cost. This would be increased by 2.5% each of the next two (2) years (2013: 12.5%; 2014: 15%).
- If spouses have coverage available from their employers, they will be required to use that insurance. Otherwise, there will be a \$50/month charge for all current employees. Future hires (proposed as January 1, 2013) will be required to pay \$100/month for the coverage of a spouse that is eligible for coverage by his/her employer. If they have no other coverage available (i.e. a stay-at-home parent or no healthcare coverage provided at their place of employment), then they would be allowed to remain on the City Employee's policy.

**Passed
Yea-10**

Nay-0

Roll call vote as follows:
Yea – Police (Foreman, Mendez), Non-bargaining (Thomas, Lulfs), Fire (Rohrs, Frey), AFSCME (Durham, Eis), Administration (Bisher, Heath)
Nay –

Foreman said we will get the necessary information from Huntington Insurance; take these recommendations to Council; and set another Committee meeting after that.

Motion To Adjourn

Motion: Lulfs Second: Bisher
To adjourn the meeting at 10:10 AM

Passed

Approved by unanimous voice vote.

Date _____

Micheal Foreman, Chair