
Memorandum

TO: Mayor & Members of Council
FROM: Jon Bisher
SUBJECT: General Information
DATE: November 30, 2012

CALENDAR

Monday, December 3rd

I. CITY COUNCIL MEETING @7:00 pm

C. Presentation of 2013 Appropriation Budget

D. Approval of Minutes

H. Introduction of New Ordinances And Resolutions

1. **Ordinance No. 076-12** an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2013.
2. **Resolution No. 077-12** 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 2013; Listed in Exhibit "A"; and Declaring an Emergency.
3. **Ordinance No. 078-12** an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Repealing Ordinance No. 091-11 and Ordinance No. 098-11; and Declaring an Emergency.
4. **Resolution No. 083-12** a Resolution Directing the City Manager to Negotiate an Extension of the Wauseon Reservoir Agreement.
5. **Resolution No. 084-12** a Resolution to Expend Funds for the Water Treatment Pilot Test Study.
6. **Resolution No. 085-12** a Resolution Authorizing the Redirection of the Purpose of the 1.8 Million Issued Debt in Regard to the Rehabilitation of the Current Water Treatment Plant.

I. Second Reading of Ordinances and Resolutions

1. **Resolution No. 079-12** a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to Take Bids on Certain Projects, Services, Equipment, Materials or Supplies without the Requirement for Additional Legislation to do so in the Year 2013; and Declaring an Emergency.
2. **Resolution No. 080-12** a Resolution Authorizing the Expenditure of Funds in Excess of \$25,000.00 in and for the Year 2013 as it Relates to Reoccurring Costs Associated with the Operation of the City, for Payment of Expenses and for Purchases Associated with Vendors Utilized by Multiple Departments within the City; Elimination of Necessity of Competitive Bidding in and for the Year 2013 as it Relates to Certain Transactions; and Declaring an Emergency.
3. **Resolution No. 081-12** a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio; in and for the Year 2013; Declaring an Emergency.

J. THIRD READING OF ORDINANCES AND RESOLUTIONS

1. *Ordinance No. 070-12* an Ordinance Amending Section 121.03 of the City of Napoleon Administrative Code and Rule 6.5 of the Rules and Regulations of City Council regarding Publication of Legislation by Summary.

K. GOOD OF THE CITY

1. *Appointment of One Member to the Privacy Committee for Term Expiring 1/1/2014*
2. *Performance Audit for the Electric Department*

II. TECHNOLOGY & COMMUNICATION COMMITTEE @8:00 PM

INFORMATIONAL ITEMS

1. HB601
 - a. Opposing Passage/Sample Resolution 1
 - b. Opposing Passage/Sample Resolution 2
 - c. Issues of Opposition
 - d. House of Representatives' Ways and Means Committee Hearing
2. **OHIO MUNICIPAL LEAGUE BULLETIN**

JAB:rd
Records Retention
CM-11 - 2 Years

November 2012							December 2012							January 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	2	3	4	5	6	7	8	6	7	8	9	10	11	12
4	5	6	7	8	9	10	9	10	11	12	13	14	15	13	14	15	16	17	18	19
11	12	13	14	15	16	17	16	17	18	19	20	21	22	20	21	22	23	24	25	26
18	19	20	21	22	23	24	23	24	25	26	27	28	29	27	28	29	30	31		
25	26	27	28	29	30		30	31												

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25 BISHER - Vacation	26 6:30 PM Finance & Budget Comm. and City Council Meeting 7:30 PM Safety & Human Resources Committee Meeting AV - Shery	27 4:30 PM Civil Service Commission Mtg.	28 6:30 PM Parks & Rec Board Mtg.	29	30	1 10:00 AM Christmas Parade
2	3 7:00 PM City COUNCIL Meeting 8:00 PM Technology & Communication Committee AV - Dar	4	5	6	7	8
9	10 6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox	11	12	13 AMP - Bisher	14 AMP - Bisher	15
16	17 6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Meeting AV - Dar	18	19	20	21	22
23	24 6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting HOLIDAY - "Floating" / Office	25 HOLIDAY - Christmas	26 BISHER - Vacation	27 BISHER - Vacation	28 BISHER - Vacation	29 BISHER - Vacation
30 BISHER - Vacation	31 5th Monday-No Scheduled Meeting BISHER - Vacation	1 HOLIDAY - New Year's Day BISHER - Vacation	2 BISHER - Vacation	3 BISHER - Vacation	4	5

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, December 3, 2012 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer**
- C. **Presentation of 2013 Appropriation Budget:** Mayor Ronald A. Behm
- D. **Approval of Minutes:** November 19 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- E. **Citizen Communication**
- F. **Reports from Council Committees**
 - 1. **Parks & Recreation Committee** did not meet on Monday, November 19 due to lack of agenda items.
 - 2. **Finance & Budget Committee** met on Monday, November 26 and discussed, but took no action on *Amusement License Fees on Gaming.*
 - 3. **Safety & Human Resources Committee** met on November 26 with the Townships and reviewed EMS costs and revenues.
- G. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Civil Service Commission** met on Tuesday, November 27 with the following agenda items:
 - a. Review with HR Director: Procedures for Filling Positions
 - b. Promotional Exam for Police Lieutenant
 - c. Rolling of Old Lists
 - 2. **Parks & Recreation Board** met on Wednesday, November 28 with the following agenda items:
 - a. Discussion and/or Action on Recreation Program User Fees
- H. **Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 076-12** An Ordinance establishing the appropriation measure (budget) of the City of Napoleon, Ohio for the fiscal year ending December 31, 2013
 - 2. **Resolution No. 077-12** 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 2013, listed in Exhibit "A"; and declaring an emergency
 - 3. **Ordinance No. 078-12** An Ordinance establishing a new position classification pay plan for employees of the City of Napoleon; repealing Ordinance No. 091-11 and Ordinance No. 098-11; and declaring an emergency
 - 4. **Resolution No. 083-12** A Resolution directing the City Manager to negotiate an extension of the Wauseon Reservoir Agreement
 - 5. **Resolution No. 084-12** A Resolution to expend funds for the Water Treatment Pilot Test Study
 - 6. **Resolution No. 085-12** A Resolution authorizing the redirection of the purpose of the \$1.8 million issued debt in regard to the rehabilitation of the current water treatment plant
- I. **Second Readings of Ordinances and Resolutions**
 - 1. **Resolution No. 079-12** A Resolution authorizing the expenditure of funds and authorizing a department director to take bids on certain projects, services, equipment, materials, or supplies without the requirement for additional legislation to do so in the year 2013; and declaring an emergency
 - 2. **Resolution No. 080-12** A Resolution authorizing expenditure of funds in excess of \$25,000.00 in and for the year 2013 as it relates to reoccurring costs associated with the operation of the City, for payment of expenses, and for purchases associated with vendors utilized by multiple departments within the City; elimination of necessity of competitive bidding in and for the year 2013 as it relates to certain transactions; declaring an emergency
 - 3. **Resolution No. 081-12** A Resolution authorizing a contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the year 2013; declaring an emergency
- J. **Third Readings of Ordinances and Resolutions**
 - 1. **Ordinance No. 070-12** An Ordinance amending Section 121.03 of the City of Napoleon Administrative Code And Rule 6.5 of the Rules and Regulations of City Council regarding publication of legislation by summary
- K. **Good of the City** *(Any other business as may properly come before Council, including but not limited to:)*
 - 1. **Discussion/Action:** Appointment of one member to the Privacy Committee for term expiring 1/1/2014

2. Discussion/Action: Performance audit for the Electric Department

L. Executive Session *(as needed)*

M. 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.)*

N. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, December 3 @ 8:00 PM)
 - a. Review Possibility of Combining Court Server with City Server
 - b. Review Possibility of MIS Assistant Position
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, December 10 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, December 10 @ 7:00 PM)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, December 10 @ 7:30 PM)
 - a. Updated Info from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, December 17 @ 8:00 PM)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Wednesday, December 26 @ 6:30 PM)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Meeting: Wednesday, December 26 @ 7:30 PM)
- 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, December 10 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, December 11, 2013 @ 4:30 PM)
 - a. BZA 12-10 915 Scott St. Bernard Dietrich
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 14, 2013 @ 5:00 PM)
December meeting is canceled due to lack of agenda items.
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, January 21, 2013 @ 6:00 PM)
December meeting is canceled due to lack of agenda items.
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Wednesday, January 22, 2013 @ 4:30 PM)
December meeting is canceled due to lack of agenda items.
- 6. Parks & Recreation Board (Last Wednesday)**
(Special Meeting: Wednesday, December 19 @ 6:30 PM)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 14, 2013 @ 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)**
(Next Meeting: Tuesday, December 11, 2013 @ 3:30 PM)
 - a. NPC 12-10 539 N. Perry St. The Napoleon Eagles
- 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

Meeting Minutes

Monday, November 19, 2012 at 7:00 PM

PRESENT

Council

John Helberg (President), Travis Sheaffer, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel

Mayor

Ronald A. Behm

City Manager

Dr. Jon A. Bisher

Law Director

Trevor M. Hayberger

Finance Director/Clerk

Gregory J. Heath

Recorder

Barbara Nelson

City Staff

Robert Bennett, Fire Chief

Dennis Clapp, Electric Superintendent

Scott Hoover, Water Treatment Plant Superintendent

Chad Lulfs, City Engineer

Dan Wachtman, MIS Administrator

Robert Weitzel, Police Chief

Others

News Media, NCTV, Ken Neuenschwander, Janet Lyne, Adam Hoff

ABSENT

Council

Jeffrey Lankenau

Call To Order

President Helberg called the meeting to order at 7:00 PM with the Lord's Prayer.

**Napoleon Civic Center
Presentation**

Ken Neuenschwander introduced himself as President, and Janet Lyne as a member of the Civic Center Central Committee. They are going to local organizations and clubs making presentations and requesting letters of support to attach to grant applications, endowments, etc. for restoration of the John L. Johnson Auditorium and the adjacent west wing of the former Central School building to establish a Civic Center. The information on the project was included in the Council packet. The Committee is a non-profit organization and will apply for a tax-exempt ID.

Bisher said the issue is the continued operation of the Center. Our courthouse levy raised \$4,000,000-\$5,000,000 and passed by 67%. People here take pride in their public buildings. The Committee may need money to leverage grants for capital and can then ask people to socialize the costs to keep it operating. Council might consider putting the Civic Center under Parks & Recreation if they knew the building was up and running with operating money.

Neuenschwander said the Committee hasn't discussed a tax levy. They are only asking for Council's blessing on the endeavor. Mayor Behm said he likes that the Committee is talking to groups to get money on their own. A tax levy should be the last option. Neuenschwander said decisions will have to be made between the schools, City, and others affected by the Civic Center to see what can be done for perpetuity. Those discussions will come down the road. Council's and the Mayor's signatures on an approval letter will help get grants and other moneys. Mayor Behm will write a proclamation for this. President Helberg wished the Committee good luck.

Minutes Approved

Minutes of the October 29, November 2 & November 3, 2012, Special Council Meetings with Finance & Budget Committee stand approved with no objections. Minutes of the November 5 Council meeting stand approved with no objections. Minutes of the November 12 Special Council Meeting with Water, Sewer, Refuse,

Motion To Approve Second Read	Motion: McColley Second: Maassel To approve second read of Ordinance No. 070-12
Discussion	Bisher said suspension was requested to get this legislation finished. Heath said the sooner it passes, the sooner Council can save money. McColley said there has been some controversy about this legislation.
Motion To Suspend The Rule	Motion: Hershberger Second: To suspend the rule requiring three readings
Failed	Above motion failed for lack of a second.
Passed Yea-6 Nay-0	Roll call vote to approve second read of Ordinance No. 070-12: Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley Nay-
Second Read Of Resolution No. 073-12	President Helberg read by title Resolution No. 073-12 A Resolution amending the allocation of funds as found in Section 193.11 of the Codified Ordinances of the City of Napoleon, Ohio
Motion To Approve Second Read	Motion: Ridley Second: Maassel To approve second read of Resolution No. 073-12
Discussion	This legislation is for the allocation regarding the way income tax is distributed. Heath requested suspension so legislation can go into effect by January 1, 2013.
Motion To Suspend The Rule	Motion: Hershberger Second: Ridley To suspend the rule requiring three readings
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley Nay-
Passed Yea-6 Nay-0	Roll call vote to pass Resolution No. 073-12 under suspension of the rule Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley Nay-
Second Read Of Resolution No. 074-12	President Helberg read by title Resolution No. 074-12 A Resolution amending Sections 1,2,3, and 4 of Resolution No. 081-10 to amend the pay frequency of Council members and the Mayor of the City of Napoleon, Ohio
Motion To Approve Second Read	Motion: McColley Second: Sheaffer To approve second read of Resolution No. 074-12
Discussion	Heath said this does not affect Council's pay, just pay frequency. He would like to get it in place before January 1, 2013. Heath requested suspension.
Motion To Suspend The Rule	Motion: Sheaffer Second: Hershberger To suspend the rule requiring three readings
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley Nay-

	football team for getting farther and winning more games than any other team in Napoleon history.
Hershberger	Hershberger received a call from a woman who is worried about where the City will put the new water plant. She does not want it in any part of a residential area due to so many young people having cancer in an area where the old power plant was located. He told her the decision hasn't been made.
Helberg	Helberg congratulated Heath on the report from the State Auditor's Office approving the City's 2011 audit. They only recommended two minor things.
Mayor Behm	Mayor Behm said he planned to present the budget for this Council meeting, but his schedule didn't mix with Heath's. He will try for next Council meeting.
McColley	McColley said a Rotary member reported that his car was robbed recently. He commended the job that Napoleon police did in pursuing the kids who robbed him and recovering his computer. Patrolman Foreman pursued the issue more than he expected and made a follow-up call to him every day.
Sheaffer	Sheaffer commended City workers for a good job and said he will allow them to take Thursday (Thanksgiving day) off. Bisher said police and fire and water don't have that option.
Hayberger	Hayberger – no items
Bisher	Bisher – no items
Lulfs	Lulfs – no items
Approval Of Bills	Bills and reports stand approved as presented with no objections.
Motion To Go Into Executive Session	Motion: McColley Second: Ridley To go into Executive Session to discuss personnel issues
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley Nay-
Into Executive Session	Council went into Executive Session at 9:10 PM.
Motion To Come Out Of Executive Session	Motion: Ridley Second: Maassel To come out of Executive Session.
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley Nay-
Out Of Executive Session	Council came out of Executive Session at 9:59 PM. President Helberg reported that the discussion was regarding personnel issues and no action was taken
Motion To Adjourn	Motion: Ridley Second: Hershberger To adjourn the meeting.
Passed	Roll call vote on above motion:

Yea –6
Nay -0

Adjournment

Approved:
December 3, 2012

Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley
Nay-

Meeting adjourned at 10:00 PM.

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

ORDINANCE NO. 076-12

**AN ORDINANCE ESTABLISHING THE APPROPRIATION MEASURE
(BUDGET) OF THE CITY OF NAPOLEON, OHIO FOR THE FISCAL
YEAR ENDING DECEMBER 31, 2013**

WHEREAS, Council desires to pass the annual appropriation measure of the City of Napoleon for the fiscal year ending December 31, 2013;

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

Section 1. That the annual appropriation measure be passed, and the sums as contained in Exhibit "A", attached hereto and made a part of this Ordinance, are set aside and appropriated for the fiscal year ending December 31, 2013.

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, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, pursuant to 121.03 (f) of the Codified Ordinances of the City of Napoleon, Ohio, this Ordinance is declared to be an Ordinance providing for appropriations for the current expenses of the City appropriations immediately required for the City to operate; therefore, this Ordinance shall be in full force and effect immediately upon its passage, subject to the approval by the Mayor, otherwise it shall take effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, 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. 076-12 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

RESOLUTION NO. 077-12

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 2013, LISTED IN EXHIBIT "A"; 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; Now Therefore,

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

Section 1. That, pursuant to Section 5705.14 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 2013 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: _____

John A. Helberg, 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. 077-12 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. 078-12

**AN ORDINANCE ESTABLISHING A NEW POSITION
CLASSIFICATION PAY PLAN FOR EMPLOYEES OF THE CITY
OF NAPOLEON; REPEALING ORDINANCE NO. 091-11 AND
ORDINANCE NO. 098-11; AND DECLARING AN EMERGENCY**

WHEREAS, Council reviewed the proposed Year 2013 annual appropriation measure and finds, in general, as it relates to its most non-bargaining employees of this City of Napoleon, Ohio, that a compensation increase of 2% more or less is generally warranted in pay steps and/or pay scales; and,

WHEREAS, Council reviewed the proposed Year 2013 annual appropriation measure and finds, as it relates to the positions of City Manager, Finance Director, and Law Director, that a compensation increase of 2% in bi-weekly salary calculated from the amount that which would have otherwise been received in the year 2013 is warranted in pay scales; and,

WHEREAS, Council is desirous of adopting a new Classification Pay Plan for its non-bargaining employees; Now Therefore,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, ("this City") establishes a new Position Classification Pay Plan for its non-bargaining municipal employees.

Section 2. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, the pay scale (steps) for this City's non-bargaining hourly paid employees (full time) shall be leveled, unless modified, as provided in the table found in this §2 (expressed in base hourly amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §3 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level of compensation the Department Director deems appropriate.

Title	A	B	C	D
Clerk-Typist II	\$11.31	\$12.39	\$13.30	\$14.27
Receptionist	12.79	13.97	14.99	16.10
Records Clerk/Recorder	14.06	15.35	16.50	18.94
Account Clerk I	11.31	12.14	12.75	13.49
Account Clerk II	14.06	15.35	16.50	17.81
Civil Engineering Technician	17.15	18.75	20.08	21.55
Senior Engineering Technician	20.36	22.32	23.89	25.63
Zoning Administrator (Building/Zoning Administrator)	22.28	24.36	26.10	27.99

Distribution Services Supervisor	24.71	27.04	29.00	31.09
Electrical Construction/Maintenance Inspector	24.71	27.04	29.00	31.09
Chief Water Treatment Operator	20.36	22.32	23.89	25.63
Chief Wastewater Treatment Operator	20.36	22.32	23.89	27.00
Construction Inspector	22.28	24.36	26.10	28.68
Sanitation Foreman	17.15	18.75	20.08	21.55
Police Lieutenant	25.48	27.25	28.52	29.95
Accounts Payable Clerk	14.06	15.35	16.50	17.81
Administrative Assistant	15.60	17.12	18.39	19.80
Senior Account Clerk	15.60	17.12	18.39	21.73
Senior Electric Engineering Technician	20.36	22.32	23.89	25.63
Service Building Secretary	11.31	12.14	12.75	13.49
Tax Administrator	15.97	17.49	18.75	22.25
Utility Billing Supervisor	15.97	17.49	18.75	20.08
Assistant Chief of Fire/Rescue Department	15.13	16.34	17.37	18.39
Staff Engineer	18.93	20.77	22.32	23.98

Section 3. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, each non-bargaining employee (full time regular) (hourly) holding such a position, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with this City, to be advanced one (1) step in the pay plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in this "New Pay Plan" shall be determined by contrasting employee's base hourly rate said employee received prior to the enactment of this Ordinance with the table found in §2 of this Ordinance for the respective year. For new hires the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with §197.09(e) of the Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer. Notwithstanding any other provision of this Pay Plan, the Zoning Administrator shall receive a bonus to be pro-rated over the calendar year of *Five Hundred (\$500.00) Dollars* for each certification he or she holds, as follows: an Ohio Residential Building Official; Ohio Residential Plumbing Inspector; and, Ohio Electrical Safety Inspector. Notwithstanding any other provision of this Pay Plan, the Assistant Chief of the Fire/Rescue Department shall receive a bonus to be pro-rated over the calendar year of *Two Thousand (\$2,000.00) Dollars* for Ohio paramedic certification and services related thereto. Notwithstanding

any other provision of this Pay Plan, the Staff Engineer of the City's Engineering Department shall receive an additional *One (\$1.00) Dollar* per hour over and above the established base hourly rate upon successful passage of examinations as administered by the National Council of Examiners for Engineering and Surveying (NCEES), except for the Professional Engineer license (in Ohio) which shall be an increase of *Two (\$2.00) Dollars* per hour over and above the established base hourly rate upon attainment thereof.

Section 4. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, the Pay Scale for non bargaining employee (salaried) (full time) positions of this City, not covered or otherwise exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in this §4 (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §5 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate.

Title	Bottom of Scale	Top of Scale
Assistant to the City Engineer	\$1718.65	\$2391.19
City Engineer	2443.00	3774.19
Parks and Recreation Director/Cemetery Sexton	1645.87	2722.20
Water Superintendent	1903.32	2912.12
Wastewater Superintendent	1903.32	2912.12
Electrical Engineer	1960.10	2739.36
Electric Distribution Superintendent	2144.46	2998.96
Operations Superintendent	1885.18	2624.10
Fire Chief	2239.63	3140.92
Chief of Police	2239.63	3140.92
Golf Course & Grounds Superintendent	1816.18	2323.23
Municipal Court Clerk (see Sec. 11 of this Ordinance)	1719.31	1753.70
Assistant Finance Director	1723.15	2584.73
Management Information System Administrator (MIS)	1779.32	2399.72
Human Resources Director	2028.66	2929.63

Section 5. That, effective with the first pay period for the Year 2012, that commences on or about December 24, 2012, each non bargaining employee (salaried) (full time) position of this City as defined in §4 of this Ordinance, is eligible to have a minimum salary increase of 2% for Year 2013, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is

making at the time just prior to the proposed increase period. In no event shall any increase place the employee above the top scale as established in §4 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 6. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, the pay scale for non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in this §6 (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1 and §7 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate. Notwithstanding any ordinance, resolution, provision of this City's Personnel Code or policy to the contrary, any overtime as it relates to non-exempt salaried employees as found in this §6 shall be calculated on a 40 hour work week and not an 8 hour day. In the case of the Chief Probation Officer, level placement shall be controlled by Section 14 of this Ordinance and subject to the provisions found in Section 14; moreover, flexible time shall be permitted at the discretion of the Municipal Court Judge as it relates to the Chief Probation Officer; finally, the Chief Probation Officer shall not accrue overtime without the express consent of the Municipal Court Judge.

Title	Bottom of Scale	Top of Scale
Executive Assistant to Appointing Authority	\$1542.70	\$1738.00
Chief Probation Officer (see Sec.14 of this Ordinance)	\$1285.60	\$1285.60

Section 7. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, each non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime and as found in §6 of this Ordinance, is eligible to have a minimum salary increase of 2% for Year 2013, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period; however, in no event shall any increase place the employee above the top scale as established in §6 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 8. That, effective with the first pay period of the Year 2013, that commences on or about December 24, 2012, the pay scale (steps) for part time, permanent part time and temporary employees of this City shall be leveled, unless modified, as provided in the table found in this §8, except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of this City's Personnel Code

and Employment Policy Manual PM2001-1, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate within the scale. Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is applicable only to permanent part time employees.

Title	Bottom of Scale	Top of Scale
Clerk-Typist I (Part Time)	\$9.10	\$11.83
Golf Course Club House Attendant (Part Time)	7.45	12.93
Life Guard (Part Time)	7.45	12.93
Seasonal Laborer – Other	7.45	12.93
Parks Maintenance Worker (Part Time)	7.45	12.93
Recreational Worker (Part Time)	7.45	12.93
<i>PROBATIONARY/TRAINEE</i> Fire Fighter/EMT Training Rate (Part Time)	<i>8.00</i> 11.60	<i>11.73</i> 15.32
<i>Fire Fighter (Part Time)</i>	<i>11.60</i>	<i>15.32</i>
<i>ALL FIRE/RESCUE DEPARTMENT EMT (Part Time)</i>	11.60	15.32
<i>Fire Fighter Lieutenant (Part Time)</i>	<i>11.60</i>	<i>15.32</i>
<i>EMT Lieutenant (Part Time)</i>	<i>11.60</i>	<i>15.32</i>
<i>EMT Advanced (Part Time)</i>	<i>11.60</i>	<i>15.32</i>
Legal Clerk (Temporary)	13.09	20.01
Income Tax/Collection Clerk (Part Time)	9.10	15.28
"Construction Engineer" (Temporary) Engineer Department	37.14	37.88
Construction Inspector (Temporary)	12.24	12.48

Section 9. All paid part time, permanent part time, and temporary employees of this City shall, effective with the first pay period of the Year 2013, that commences on or about December 24, 2012, have a minimum hourly base pay increase of 2% for Year 2013 calculated from what the employee's base rate was just prior to this proposed increase. Only Permanent part time employees are subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), when applicable. **~~For paid part time, permanent part time and temporary Fire/Rescue Department employees, there shall be an additional 0.29 cents an hour, over employee's base rate, for each of the following levels of training or rank as herein identified upon obtainment: Firefighter-lowest level, Firefighter-1, Firefighter-2, EMT-B, EMT-I, Lieutenant; further, said paid part time, permanent part time and temporary Fire/Rescue Department employees shall receive an additional 0.58 cents an hour, over~~**

~~employee's base rate, for each of the following levels of training or rank as herein identified upon obtainment, EMT-Paramedic, Assistant Chief. Regardless, in no event shall the total pay place any paid part time, permanent part time, and temporary employee above the top scale as established in §8 of this Ordinance.~~

PART TIME EMPLOYEES OF THE FIRE/RESCUE DEPARTMENT WILL REMAIN ON PROBATIONARY/TRAINEE STATUS UNTIL REMOVED BY THE CITY MANAGER UPON RECOMMENDATION OF THE FIRE CHIEF.

For new hires or current employees of this City, the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non full time status positions found in the table in §8 of this Ordinance (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority at anytime, except that Council shall approve any modification to a full time status.

Section 10. That, compensation for employees' appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director (Appointing Authority), except that it shall not exceed the top pay scale established in this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director (Appointing Authority) by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director so long as the amount paid may be accomplished without exceeding the department's annual budget.

Section 11. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in §4 of this Ordinance unless otherwise set by the Municipal Court Judge pursuant to ORC §1901.31 (C).

Section 12. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC §1901.31 (H). Longevity for full time Deputy Clerks shall be as set by Ordinance or Resolution. A Chief Deputy Clerk shall be considered a Deputy Clerk for longevity purposes.

Section 13. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC 1901.32.

Section 14. That, the position of Chief Probation Officer as established in and for this City of Napoleon for the Napoleon Municipal Court shall be considered a full time regular employee having a salary –non-exempt status. The job description as included in this City's Position Classification Plan as prepared and/or revised by the Municipal Court Judge is continued to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer's salary at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer's pay and benefits exceed the amount of the CCA Grant or as otherwise

may be supplemented by the Municipal Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 15. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, the bi-weekly salary of the City Manager of this City shall be *Four Thousand and Ten dollars and 82/100 (\$4,010.82)* and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 16. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, the bi-weekly salary of the City Finance Director of this City shall be *Three Thousand Four Hundred and Twenty-five dollars and 09/100 (\$3,425.09)* and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 17. That, effective with the first pay period for the Year 2013, that commences on or about December 24, 2012, the bi-weekly salary of the City Law Director of this City shall be *Two Thousand Five Hundred and Ten dollars and 76/100 (\$2,510.76)* and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 18. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director (Appointing Authority) as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance. Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 19. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 20. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 21. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 22. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 23. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 24. That, Ordinance No. 091-11 and Ordinance No. 098-11 is repealed in its entirety effective December 24, 2012.

Section 25. 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 26. 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 27. That, this Ordinance 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 proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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: _____
John A. Helberg, 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. 078-12 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

RESOLUTION NO. 083-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN EXTENSION OF THE RAW WATER SUPPLY LINE AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO AND THE CITY OF WAUSEON, OHIO

WHEREAS, the City of Napoleon, in Contract No. 99-025, entered into an agreement with the City of Wauseon, Ohio for the construction and operation of a raw water supply line; and,

WHEREAS, the City of Napoleon, after due consideration, desires to build its own Water Treatment Plant; and,

WHEREAS, said agreement may expire in 2025 and the City of Napoleon desires to extend the agreement; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the City Manager to negotiate an extension of the Raw Water Supply Line Agreement, Contract No 99-025, between the City of Napoleon, Ohio and the City of Wauseon, Ohio.

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.

Passed: _____

John A. Helberg, 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. 083-12 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

RESOLUTION NO. 084-12

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF OBTAINING A WATER TREATMENT PLANT PILOT STUDY AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to build its own Water Treatment Plant; and,

WHEREAS, the City of Napoleon desires to commission a Water Treatment Plant Pilot Study to determine the process required to use membrain technology on the Maumee River as well as any other recommendations or suggestions that would assist in the building, design, and engineering of the new Water Treatment Plant; and,

WHEREAS, the City of Napoleon has commissioned two prior Water Treatment Plant studies, the April 2011 and September 2012 studies, through Jones and Henry Engineers, Ltd.; and,

WHEREAS, Jones and Henry Engineers, Ltd. maintain the City of Napoleon's Water Model; and,

WHEREAS, Jones and Henry Engineers, Ltd., having conducted prior studies related to the City of Napoleon's Water Plant coupled with Jones and Henry's knowledge and maintenance of the City of Napoleon's Water Model, this study should be sole sourced to Jones and Henry Engineers, Ltd. for their professional services; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 from the 2013 Budget for the professional services of Jones and Henry Engineers, Ltd. to prepare and execute a Water Treatment Plant Pilot Study to determine the process required to membrain technology in the new plant, as well as any other recommendations or suggestions that would assist in the building, design, and engineering of the new plant.

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 expeditiously eliminate a condition related to public peace,

health or safety accessible to our citizens; 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: _____

John A. Helberg, 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. 084-12 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

RESOLUTION NO. 085-12

A RESOLUTION AUTHORIZING BOND COUNSEL TO AMEND THE PURPOSE STATEMENT OF THE \$1,800,000.00 ISSUANCE OF BONDS FOR THE CITY OF NAPOLEON'S WATER SYSTEM TO ALSO INCLUDE THE DESIGN, ENGINEERING, AND BUILDING OF A NEW WATER TREATMENT PLANT AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, in Ordinance 029-12, issued \$1.8 million in the anticipation of issuing bonds for the purpose of improving the municipal water system; and,

WHEREAS, the City of Napoleon desires to include the design, engineering, and building of a new water treatment plant to the purpose statement of the \$1.8 million bonds; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes bond counsel to amend the purpose statement of the \$1.8 million issuance of bond to the effect that the "purpose of paying the costs of improving the municipal water system ***IN THE DESIGN, ENGINEERING, AND BUILDING OF A NEW WATER TREATMENT PLANT AND/OR*** by improving and rehabilitating the water treatment plant and related storage facilities and rehabilitating the Vocke Street water tower, and providing all necessary and related appurtenances thereto".

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 expeditiously eliminate a condition related to public peace, health or safety accessible to our citizens; 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: _____

John A. Helberg, 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. 085-12 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

RESOLUTION NO. 079-12

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS AND AUTHORIZING A DEPARTMENT DIRECTOR TO TAKE BIDS ON CERTAIN PROJECTS, SERVICES, EQUIPMENT, MATERIALS, OR SUPPLIES WITHOUT THE REQUIREMENT FOR ADDITIONAL LEGISLATION TO DO SO IN THE YEAR 2013; AND DECLARING AN EMERGENCY

WHEREAS, each year from time to time, a Department Director (City Manager, City Finance Director, or City Law Director) is required to come to Council for authority to take bids for certain projects, services, or the purchase or lease of equipment, materials or supplies used in the City operations; and,

WHEREAS, in order to provide a more feasible, economical, and expedited method of bidding procedures, it is deemed necessary to give to the above mentioned Department Directors authority to bid such projects, services, equipment, materials, or supplies without the necessity of continued legislation; **Now Therefore**,

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

Section 1. That, the City Manager, City Finance Director, and City Law Director, for their respective departments, subject to Council's approval as to the specifications, plans, agreements, and other related bid documents when applicable, are hereby authorized to advertise and receive bids or take proposals as applicable for the projects, services, equipment, materials, or supplies that are anticipated to be in excess of \$25,000.00 as listed in attached Exhibit "A", (such exhibit being incorporated into this Resolution by attachment and made a part hereof), without the necessity of further legislation in the year 2013; further, Council finds that the expenditure of funds in excess of \$25,000.00 for each project, service, equipment, material, or supply listed in said Exhibit "A", is necessary and authorized, subject to an approved motion of Council permitting the respective Department Director to make award. If a contract for said project, service, equipment, material, or supply is awarded to a successful bidder (lowest and best) as a result of a competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awardee subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director. In the case of a non-competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awarded subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director

Section 2. That, Council reserves the right, by motion of Council, to approve for award, direct no award, reject all or some bids, or rebid, when deemed in the best interest of the City as it relates to the projects identified in Section 1 of this Resolution; moreover, Council may waive any informalities in the bidding process.

Section 3. That, Chapters 105 and 106 of the Codified Ordinances of Napoleon, Ohio, shall continue to be applicable to any projects, services, equipment, materials, or supplies listed in attached Exhibit "A"; moreover, nothing in this Resolution shall be construed as limiting the Department Directors in making purchases or contracting for services in any manner as provided for in said Chapters, statutory law or as otherwise provided by Council. When competitive bidding is required for any project, service, equipment, material or supply as a matter of law, it shall be utilized unless otherwise eliminated by act of Council. When quality based selection is required for any project listed in Exhibit "A" for architectural, engineering, or construction management services as a matter of law, then the quality based selection process shall be utilized unless otherwise eliminated by act of Council. Also, Council hereby finds that the expenditure of funds in excess of \$25,000.00 for each architectural, engineering, or construction management service as found in Exhibit "A" is necessary and approved as a proper public expenditure of funds, subject to approved motion of Council permitting the Department Director to make the award. Finally, the combining of projects, or the contracting the purchase of services, equipment, materials, or supplies is permitted of any project or item listed in Exhibit "A" without necessity of further authorization by Council.

Section 4. That, a Department Director is authorized to use this Resolution for authority for said bids and/or purchases as contained in this Resolution.

Section 5. That, any item listed in attached Exhibit "A" may be leased in lieu of purchasing when deemed appropriate by the respective Department Director.

Section 6. That, all leases, purchases and contracts for projects, services, equipment, materials, or supplies is subject to appropriation and certification of funds.

Section 7. That, any trade-ins shall be controlled by §107.05(c) of the Codified Ordinances of Napoleon, Ohio, as may be amended from time to time.

Section 8. 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 §121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 9. That, if any other prior resolution or ordinance 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 10. 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 the timely purchase of materials, supplies, equipment or services essential to provide public peace, health or 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: _____

John A. Helberg, 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. 079-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 20__ ____; & 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

2013 APPROPRIATION BUDGET - ANNUAL BID LIST IN EXCESS OF \$25,000.00
EXHIBIT "A"

ITEMS AUTHORIZED FOR BID:

⇒ **1600 - MIS**

Servers and Computers

⇒ **1700 - ENGINEERING/CITY ENGINEER**

Pickup Truck

⇒ **2100 - POLICE/SAFETY SERVICES**

2 Patrol Cars

⇒ **2200 - FIRE/SAFETY SERVICE**

SCBA Replacement (Air Packs)
Fire Station Improvements

⇒ **5100 - SERVICE/STREETS AND IMPROVEMENTS**

Road and Street Resurfacing Annual Program
Salt (Ice and Snow Removal)
Roadside Mowing Contracts
Sidewalk and Curb Repair/Replacement
Dump Truck Replacement
Scott Street Improvements
Miscellaneous Street Striping
Downtown Parking Lot Improvements
Scott Street Underpass Bike Paths
Canal Basin Resurfacing Project

⇒ **6110 - ELECTRIC/OPERATIONS & DISTRIBUTION**

Pole Replacement Program
Transformers (Inventory Replacement)
Substations Relay Testing - North Side, Glenwood, South Side, Industrial
Electrical Underground and Overhead Upgrades
Traffic Signal Upgrades
Substation 69kV Air Break Switch
Industrial Substation Feeders
Substation Service Truck
GIS System
Vehicle - Meter Reader
Pickup Truck
Oil Containment (Spec)

⇒ **6200 - WATER/TREATMENT PLANT**

Cleaning of Sludge Lagoons
Water Tower Painting and Maintenance
WTP Build (Design)

2013 APPROPRIATION BUDGET - ANNUAL BID LIST IN EXCESS OF \$25,000.00
EXHIBIT "A"

⇒ **6210 - WATER/DISTRIBUTION SYSTEM**

Water System Supplies
Chemicals (Water and Wastewater Plants)
Chemicals (Miex Resin and Salt)
Valve Exercising and Replacement Program
Hudson Street Waterline Improvements

⇒ **6300 - SEWER (WWT) /TREATMENT PLANT**

L.T.C.P. Updates - Sewer Improvement
Rebuild of #1 Mechanical Screen
#2 UV Reactor
2 Effluent Pumps

⇒ **6310 - SEWER/COLLECTION SYSTEM**

Sanitary Sewer Repairs
Haley Avenue Interceptor I/I Reduction Project (LTCP Project No. 17B)
(Construction)
Ohio Street Sanitary Sewer Upgrades
Kenilworth Area I/I Project (LTCP #16B) (Construction)
Oberhaus Interceptor I/I Project (LTCP #21A) (Design)
Southside I/I Project (LTCP #20A1) (Design)

⇒ **6420 - SANITATION/RECYCLING**

Recycling Services Contract
New Packer Truck
Landfill Contract
Brush Grinding
Concrete Grinding
Chemicals, Mosquito Control

RESOLUTION NO. 080-12

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 IN AND FOR THE YEAR 2013 AS IT RELATES TO REOCCURRING COSTS ASSOCIATED WITH THE OPERATION OF THE CITY, FOR PAYMENT OF EXPENSES, AND FOR PURCHASES ASSOCIATED WITH VENDORS UTILIZED BY MULTIPLE DEPARTMENTS WITHIN THE CITY; ELIMINATION OF NECESSITY OF COMPETITIVE BIDDING IN AND FOR THE YEAR 2013 AS IT RELATES TO CERTAIN TRANSACTIONS; DECLARING AN EMERGENCY

WHEREAS, the City each year has reoccurring costs associated with the conducting of business with groups or associations established for or on behalf of the political subdivisions or instrumentalities of the State, which annually exceed \$25,000.00; and,

WHEREAS, the City each year has reoccurring costs associated with the conducting of business, many which result in mandatory payments or merely occurs as a result of the method of accounting utilized by the City's Finance Department; and,

WHEREAS, for convenience and efficiency, purchase orders are annually written to vendors by multiple departments of the City with a combined total that exceeds \$25,000.00; Now Therefore,

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

Section 1. That, the expenditure of funds by the City in excess of \$25,000.00, in and for the year 2013, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for purchases, services, coverage, or benefits from the following:

American Municipal Power, Inc.	For: Contracted Power Purchase and Services
BORMA Benefit Plans	For: Insurance Premiums (Health)
Public Entities Pool (PEP)	For: Insurance Premiums (Property & Casualty)
CIC of Henry County, Ohio	For: Economic Development Services
Defiance County Landfill	For: Sanitation Dumping Services
Henry County Auditor	For: Auditor Assessment Fees
Henry County EMA	For: Emergency Management Agency
Henry County Engineer	For: Engineering Shared Projects
Henry County Landfill	For: Sanitation Dumping Services
Henry County Regional Water/Sewer District	For: Payments for Water Collections
James G. Zupka, CPA, Inc.	For: Annual Auditing Services
John Donovan - Law Librarian	For: Law Library Payments
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Napoleon/Henry County Chamber of Commerce	For: Tourist Bureau
Ohio Bureau of Workers Compensation	For: Employee Worker's Comp. Insurance Coverage
Ohio Police Pension Fund	For: Police Pension Payment

Ohio Fire Pension Fund	For: Fire Pension Payment
Ohio Public Employers Retirement System	For: Pension Payments
Treasurer State of Ohio	For: Various Items

Section 2. That, the expenditure of funds by the City in excess of \$25,000.00, in and for the year 2013, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the following purchases associated with recreation, fund balance maintenance, public labor costs, public auditing, utilities, bonding, accounting, the payment of debt service, postal service, banking, permitting, and codification:

Calfee, Halter & Griswold, LLP	For: Specialized Legal Services
Cedar Point Accounting Dept.	For: Tickets for Resale
City of Napoleon, Garage Rotary	For: Garage Rotary Services
City of Napoleon, Income Tax	For: Refunds of Income Taxes
City of Napoleon, Payroll	For: Payroll Postings
City of Napoleon, Rescue	For: Township Portion of EMS Revenues
City of Napoleon, Utility	For: Meter Deposit Refunds
City of Napoleon, Utility	For: Utility Services
City of Napoleon, Utility	For: Water and Sewer Refunds
City of Napoleon, Utility	For: Electric Refunds
Embarq	For: Telephone Services
Farmer and Merchant's State Bank	For: Banking and Debt Service Payment
Huntington National Bank	For: Debt Service Payment
Napoleon, Inc.	For: Newspaper Publication Services
Napoleon Area Schools	For: NCTU and Other
National City Bank	For: Debt Service Payment
Ohio Gas Company	For: Utility Services
Ohio Water Development (OWDA)	For: Debt Service Payment
OMEGA JV5/Amp-Ohio Inc.	For: Purchase of Power
OMEGA JV6/Amp-Ohio Inc.	For: Purchase of Power
Orica Water Care, Inc.	For: MIEX Water Treatment Chemicals
Rescue-Township Charges (EMS)	For: EMS Revenues to Townships
Robinson Salt	For: Salt for Miex Plant
Schonhardt and Associates	For: CAFR Preparation
Service Organization, Inc.	For: Insurances (Health Deductibles)
Smart Bill, LTD	For: Outsourcing of Utility Bill Printing and Mailing
Squires, Sanders and Dempsey	For: Bond Counsel (Professional Services)
Treasurer State of Ohio	For: Payments to State
US Bank	For: Debt Service Payments

US EPA (Treasurer, State of Ohio)	For: Permits
US Postmaster	For: Postal Services and Supply
Village of Malinta	For: OWDA Debt Service
Walter Drain Co.	For: Codification Services (Professional Services)

Section 3. That, the expenditure of funds in excess of \$25,000.00 is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the City's cumulative purchase of product, supply, equipment and/or services periodically through the year 2013 from the following vendors; however, in no event shall the amount exceed \$25,000.00 for any one purchase of product, supply, equipment and/or services or any one specific project under the authority of this Resolution from the below listed vendors:

A & A Custom Crushing	For: Concrete Crushing
Agrium Advanced Technologies	For: Golf Course Chemicals
Auglaize Tree Service	For: Tree Services
Brown Wood Preserving Co., Inc.	For: Electric Poles
Brownstown Electric Supply	For: Electric Supplies
CDW Government, Inc.	For: Computers and Supplies
Cintas	For: Uniform Services
City Blue, Inc.	For: Survey Supplies
Clarke Mosquito Control Product	For: Mosquito Control Supply
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Concrete Specialist Company, Ltd.	For: Concrete Repair/Replacement
Darr's Cleaning, Inc.	For: Sewer Cleaning and Inspection
Dennis Panning Excavating	For: Yard Waste Hauling and Disposal
Downtown	For: Downtown Renovation Vendors
Estabrook, Corp.	For: Pump Supplies and Repairs
Feller, Finch & Associates, Inc.	For: Engineering Services (Professional Services)
Finley Fire Equipment	For: Fire Engines and Service Repairs
Fire Safety Services Inc.	For: Fire Services and Supply
Fire Service, Inc.	For: Fire Services and Supply
Ft. Defiance Service Master	For: Cleaning and Sanitizing Services
Garcia Surveyors, Inc.	For: Surveying Services (Professional Services)
Gerken Asphalt Paving, Inc.	For: Paving
General/Chemical Performance	For: Chemicals
Go Green, Inc.	For: Brush Grinding Services
HD Supplies Utilities, Ltd.	For: Electrical Parts and Supply
Hull and Associates, Inc.	For: Consulting Services (Professional Services)
Huron Lime, Inc.	For: Lime Chemicals

Hydro Dyne Engineering, Inc.	For: Wastewater Remanufacturing of Screens
Irvine Electrical and Testing	For: Testing and Supplies
Jack Doheny Supplies Ohio, Inc.	For: Wastewater Supplies
Jones and Henry Engineering Ltd.	For: Engineering Services (Professional Services)
Kalida Truck	For: Vehicle Accessories
Kuhlman Corp.	For: Parts and Supply
Kurtz Ace Hardware	For: Supply
Lingvai Excavating, LLC	For: Construction Services
Lingvai Paving, LLC	For: Paving Services
Linward Electric, Inc.	For: Traffic Signal Repairs
The Mannik and Smith Group, Inc.	For: Engineering Services (Professional Services)
Mid-Ohio Sludge Management	For: Sludge Removal
Mohre Electronics Co.	For: Radio Services, Parts and Supply
Morton Salt	For: Road Salt
Neptune Equipment	For: Meter Parts and Supplies
Northbranch Nursery, Inc.	For: Landscaping/Tree Services
Northwest Landscape Service	For: Landscaping and Supplies, Roadside and City Owned Property Mowing
Northwest Pools	For: Pool Chemicals
Office Depot	For: Office Supply
Paulding County Engineer's Office	For: Cold Patch
Pepco	For: Supplies
Parker Hannfin Corp.	For: Water Meter Analyzer
Perrysburg Pipe and Supply	For: Parts and Supply
Perry Corporation	For: Copier, Scanner and Printer Supplies
Peterman Associates, Inc.	For: Engineering Services (Professional Services)
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerline Supply	For: Electrical Parts and Supplies
Premier Patching, Inc.	For: Road Patching
Quality Cleaning	For: Janitorial Services
Reed City Power Line Supply Co.	For: Electrical Parts and Supply
RTEC Communications, Inc.	For: Communication Supplies & Equipment
S & S Directional Boring	For: Directional Boring
Saylor Tree Service, LLC	For: Tree Services
Solomon Corporation	For: Transformers and Electric Supplies
Spectrum Engineering Corp.	For: Engineering Services (Professional Services)
Stantec Consulting Services, Inc.	For: Engineering Services (Professional Services)
T & J. Excavating	For: Excavating Services

T & R Electric	For: Transformers
Vernon Nagel, Inc.	For: Trucking and Hauling Services
Viking Trucking, Inc.	For: Trucking and Hauling Services
Vince's TV and Appliance	For: Networking and Computer Supplies
Werlor, Inc.	For: Brush Grinding Services/Recycling Services
Wesco Distribution, Inc.	For: Electrical Supplies
Westech Distribution	For: Water Miex System Services
Woods Auto Supply	For: Parts and Supply
Zacks Recycling, LLC	For: Recycling Services

Section 4. That, due to nature or uniqueness of the transactions or vending listed in Sections 1, 2 and 3 of this Resolution, except for the prohibition in Section 3 regarding the one time purchase over \$25,000.00, any requirement that may exist for competitive bidding is hereby eliminated in the best interest of the City.

Section 5. That, nothing in this Resolution shall be construed as to eliminate the necessity of quality based selection as it relates to architect, engineer or construction services for any one project that would otherwise require such a selection process, as such elimination of quality based selection would require separate Council action; moreover, nothing in this Resolution shall be construed as to eliminate the restriction found in Section 3 of this Resolution as it relates to a single purchase or project expenditures.

Section 6. 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 7. 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 8. 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 prompt purchases required to remain operational, being operational essential to public peace, health or 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: _____

John A. Helberg, 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. 080-12 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

RESOLUTION NO. 081-12

A RESOLUTION AUTHORIZING A CONTRIBUTION TO THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO, IN AND FOR THE YEAR 2013; DECLARING AN EMERGENCY

WHEREAS, the City, by Ordinance in accordance with Section 1724.10 of the Ohio Revised Code, designated The Community Improvement Corporation of Henry County, Ohio ("CIC") as the agency of the City for the industrial, commercial, distribution, and research development of the City; and,

WHEREAS, a "Plan" as defined in Section 165.01 of the Revised Code was prepared and confirmed to advance, encourage, and promote the industrial, commercial, distribution, and research development of the City in a manner which among several things, creates and preserves jobs and employment opportunities in the City and the State and improves the economic welfare of the people of the City and of the State; and further, encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and,

WHEREAS, this Council desires to further advance the Plan and has determined to financially assist the CIC with operational and the other expenses in the Year; Now Therefore,

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

Section 1. That, in an effort to further advance the "Plan" referenced in the preamble of this Resolution, the City Finance Director is directed and authorized to pay to The Community Improvement Corporation of Henry County, Ohio ("CIC") the amount of Twenty-Nine Thousand (\$29,000.00) Dollars in and for the Year 2013 to the CIC for operational expenses and costs for the advancement of economic development projects for both present companies and future companies. An additional \$20,000.00 is authorized in 2013 for planning services with the contingency that the amount is matched by the Henry County Commission. The amounts contributed herein are deemed by this Council to be a proper public expenditure of public funds.

Section 2. That, the monies contributed as found in Section 1 of this Resolution shall be used for operational expenses and to advance the "Plan" as referenced in the preamble of this Resolution and shall not be pledged to secure any debt of the CIC.

Section 3. That, all payments stated in this Resolution are subject to appropriation of funds by Council. In the event appropriation of funds by Council is satisfied, payment shall be made by the Finance Director in quarterly installments to the CIC, all in and for the year 2013.

Section 4. That, Ordinance Number 003-12 is repealed upon the effective date of this Ordinance.

Section 5. 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 6. 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 7. 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 economic projects to timely move forward; projects that will create jobs; 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: _____

John A. Helberg, 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. 081-12 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. 070-12

AN ORDINANCE AMENDING SECTION 121.03(a) OF THE CITY OF NAPOLEON ADMINISTRATIVE CODE AND RULE 6.5 OF THE RULES AND REGULATIONS OF CITY COUNCIL REGARDING PUBLICATION OF LEGISLATION BY SUMMARY

WHEREAS, the City of Napoleon desires to save on the cost of publishing full legislation in the newspaper, and;

WHEREAS, the City of Napoleon desires to now publish its legislation in the newspaper by summary, Now Therefore;

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

Section 1. That, Section 121.03(a) of the Codified Ordinance for the City of Napoleon, Ohio, shall be amended and enacted as follows:

“121.03 PUBLICATION OF LEGISLATION.

(a) Publication in General. All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the City, and/or Council may determine that publication shall be by other electronic media. Ordinances or Resolutions in excess of ~~1000~~ **1 (ONE)** word may be published merely by summary. A table of contents of the Ordinance or Resolution and, if any attachments exist to the Ordinance or Resolution, a table of contents for such attachments, shall be considered an adequate summary. In the event of the publication of Ordinances or Resolutions by summary, there shall be a notice in such publication that a copy of the complete Ordinance or Resolution is on file in the office of the Clerk of Council for inspection during business hours and that copies of such Ordinance or Resolution shall be furnished to any person, upon request, for a reasonable fee. The City Law Director shall review all proposed summary form publications for legal accuracy and sufficiency prior to publication. The Clerk of Council shall cause the Ordinance or Resolution to remain posted in the principal municipal building for a period not less than ten calendar days immediately following the notice. Nothing in this Section shall be construed as to prohibit publication in accordance with the laws of Ohio.”

Section 2. That Rule 6.5 of the Rules and Regulations of City Council shall be amended and enacted as follows:

“Rule 6.5 Publishing of Ordinances and Resolutions

All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or Resolutions containing words in excess of one ~~thousand~~ **(1000)** words may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of Ordinances or Resolutions by summary, there shall be a notice in such publication that a copy of the complete Ordinance or Resolution is on file in the office of the Clerk of Council for inspection during business hours and that copies of such Ordinance or Resolution shall be furnished to any person, upon request, for a reasonable fee. The City Law Director shall review all proposed summary form publication for legal accuracy and sufficiency prior to publication. The Clerk of Council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten (10)

calendar days immediately following the notice. Nothing in this Section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the City, or there are no electronic media available, Council may provide some other method of publication or giving notice of Ordinances and Resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the City.”

Section 3. That, Section 121.03(a) of the City of Napoleon Administrative Code and Rule 6.5 of the Rules and Regulations of City Council as they existed prior to the enactment of this Ordinance shall be repealed.

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: _____

John A. Helberg, 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. 070-12 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. 083-08

AN ORDINANCE ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM; ESTABLISHING A PRIVACY COMMITTEE, AND DECLARING AN EMERGENCY

WHEREAS, an Identity Theft Prevention Program designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or an existing covered account in the Department of Finance, specifically, in the division that is responsible for utility billing, and to provide for continued administration of the Program is required to be in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003; Now Therefore,

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

Section 1. The Identity Theft Prevention Program, marked ITPP-2008, substantially in the form as currently on file with the Finance Director, is hereby adopted, subject to amendments from time to time in accordance with the provisions of the program.

Section 2. There shall be a "Privacy Committee" consisting of three (3) members each of whom shall be a resident and qualified elector of the City. The committee members shall be residents and qualified electors of the City having experience in the fields of Customer Service, Accounting, Information Systems/Technology, Human Resources, Senior Management, or Law Enforcement. Each member shall be recommended by the Privacy Official and appointed by the City Council to serve without compensation: one (1) for a term of two (2) years, one (1) for a term of four (4) years, and one (1) for a term of six (6) years. Each alternate year thereafter, the City Council shall appoint one (1) person, as successor of the member whose term expires, to serve a term of six (6) years. Any vacancy shall be filled for the unexpired term. The City Council, at any time, may remove any member from office for misconduct, neglect of duty, malfeasance in office, or other cause. The duties shall include at minimum:

- a. The recommending of assignment of specific responsibility for implementation of the Program;
- b. The review of reports prepared by staff regarding compliance (evaluating the tracking of incidents, resolutions and evaluating the results);
- c. Approval of material changes to the Program as necessary to address changing risks of identity theft;
- d. The causing of tests to be made for compliance; and,
- e. The causing of a report to be made that includes a summary of its considerations and/or findings to be submitted to City Council annually for review.

Section 3. 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. 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. This Ordinance 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 timely adopt a program required by law designed to protect the inhabitants of the City against identity theft; 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: October 20, 2008


Glenn A. Miller, Council President

Approved: October 20, 2008


J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 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. 083-08 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 24 day of October, 2008; & 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

City of Napoleon, Ohio

TECHNOLOGY & COMMUNICATION COMMITTEE

LOCATION: City Hall Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Meeting Agenda

Monday, December 3, 2012 at 8:00 PM

- I. Approval of Minutes from April 2, 2012 *(In the Absence of any Objections or Corrections, the Minutes Shall Stand Approved)*
- II. Review the Possibility of Combining Court Server with City Server
- III. Review the Possibility of an Additional IT Position
- IV. Any Other Matters Currently Assigned To Committee

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. _____

STRONGLY OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPA's, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne and Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and

WHEREAS, the purpose of these Interested Parties meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and

WHEREAS, municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and

WHEREAS, the Coalition has drafted and introduced language that is detrimental to the financial stability of municipalities, will drastically reduce revenue for all municipalities in Ohio, and includes "unfunded mandates" which will cripple the ability for municipalities to provide basic services to residents and resident businesses alike; and

WHEREAS, the recent reduction in the Local Government Fund has resulted in an ^{overall loss} loss of \$ 218,170 in revenue for (insert municipality here); and ^{by 2014}

WHEREAS, the elimination of the Estate Tax will result in a loss of \$194,580 (3 yr. Average) in revenue for (insert municipality here); and

WHEREAS, the accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property Tax has resulted in a loss of \$ 73,230 in revenue for (insert municipality here); and

WHEREAS, the proposals in HB 601 will result in an additional estimated loss of revenue of \$100,000 to \$300,000 for (insert municipality here); and

WHEREAS, HB 601 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that dramatically hamper the ability to administer the tax in an effective manner; and

WHEREAS, the long term purpose of HB 601 is State oversight of municipal income tax operations, which could lead to a future push for forced State Centralized Collection of municipal income tax; and

WHEREAS, municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and

WHEREAS, only municipalities can ensure the prompt and proper auditing of local tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in HB 601 created with the only purpose of restricting municipalities from correcting / auditing returns or making assessments; and

WHEREAS, provisions in this bill hamper every municipality's ability to audit and correct municipal income tax returns, to equitably enforce the municipal income tax laws, creates increased cost of administration due to burdensome notification requirements, reduces revenue due to "unfunded mandates" and elimination of compliance processes, and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

WHEREAS, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.

NOW, THEREFORE, BE IT RESOLVED by the (Council, Commission) of the (insert municipality name here), Ohio that:

Section 1. This Council does hereby declare its strong opposition to any effort by the Ohio General Assembly to pass legislation that creates "unfunded mandates" and a loss of revenue for municipalities.

Section 2. This Council urges its state legislators to reject HB 601, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio.

Section 3. The Ohio General Assembly should request the drafting of legislation that would address the multitude of issues that were agreed upon as a result of the Interested Parties meetings, which will bring uniformity to areas including (but not limited to) due dates for estimated tax payments, due dates of withholding payments, due dates and procedures for extension request filings, due dates for annual Reconciliation of Returns, all of which will simplify the compliance process for businesses and individuals alike.

Section 4. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities and businesses as a simple, generic, one-stop method of filing local business income tax returns in one location.

Section 5. Members of the Ohio House and Senate should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

Section 6. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City must maintain revenue levels without threat of assault via legislation proposed by the Ohio General Assembly; therefore, this Resolution shall be in full force and effect immediately upon its adoption by Council.

Passed by Council on the ____ day of _____ 2012;
____ Yeas; ____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

RESOLUTION NO. _____

STRONGLY OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPA's, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne and Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and

WHEREAS, the purpose of these Interested Parties meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and

WHEREAS, municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and

WHEREAS, the Coalition has drafted and introduced language that is detrimental to the financial stability of municipalities, will drastically reduce revenue for all municipalities in Ohio, and includes "unfunded mandates" which will cripple the ability for municipalities to provide basic services to residents and resident businesses alike; and

WHEREAS, the recent reduction in the Local Government Fund ^{shall} ~~has resulted in a loss of~~ ^{>overall loss by} ~~2014~~
\$ 218,170 in revenue for (insert municipality here); and

WHEREAS, the elimination of the Estate Tax will result in a loss of
\$ 194,500 (3 yr. _{Average}) in revenue for (insert municipality here); and

WHEREAS, the accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property Tax has resulted in a loss of
\$ 73,230 in revenue for (insert municipality here); and

WHEREAS, the proposals in HB 601 will result in an additional estimated loss of revenue of \$ 100,000 to \$300,000 for (insert municipality here); and

WHEREAS, HB 601 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that dramatically hamper the ability to administer the tax in an effective manner; and

WHEREAS, the obvious intended long term purpose of HB 601 is State oversight of municipal income tax operations, which could lead to a future push for forced State Centralized Collection of municipal income tax; and

WHEREAS, key pieces of this legislation are clearly an attempt to reduce municipal income tax obligations for businesses by reducing tax liabilities for businesses, which does not change the complexity or add simplicity to the process of filing and paying municipal income tax; and

WHEREAS, municipalities in Ohio, with the support of the Ohio Municipal League, have supported and participated in discussions of uniformity for the past thirteen years, and worked to achieve uniformity in many areas of municipal income tax; and

WHEREAS, each time that uniformity was challenged by a Special Interest group, carve-outs or changes to benefit Special Interests have been put in place by the Ohio General Assembly; and

WHEREAS, municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and

WHEREAS, only municipalities can and will provide the personal service and assistance to its taxpayers in the preparation and filing of their tax reports and returns; and

WHEREAS, only municipalities can ensure the prompt and proper auditing of local tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in HB 601 created with the only purpose of restricting municipalities from correcting / auditing returns or making assessments; and

WHEREAS, only municipalities can and will aggressively pursue those non-compliant and delinquent taxpayers who, by their omission or deliberate deceit, drive up the costs of compliance to all; and

WHEREAS, provisions in this bill hamper every municipality's ability to audit and correct municipal income tax returns, to equitably enforce the municipal income tax laws, creates increased cost of administration due to burdensome notification requirements, reduces revenue due to "unfunded mandates" and elimination of compliance processes, and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

WHEREAS, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.

NOW, THEREFORE, BE IT RESOLVED by the (Council, Commission) of the (insert municipality name here), Ohio that:

Section 1. This Council does hereby declare its strong opposition to any effort by the Ohio General Assembly to pass legislation that creates "unfunded mandates" and a loss of revenue under the guise of municipal income tax uniformity.

Section 2. This Council urges its state legislators to reject HB 601, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio.

Section 3. The proposal by the bill Sponsors (Representative Grossman, Representative Henne) flies in the face of its own stated goals and objectives to achieve a consensus among Interested Parties to the municipal income tax issue, and clearly caters to the requests of the membership of the Coalition, which are all Special Interest Groups.

Section 4. The Ohio General Assembly should request the drafting of legislation that would address the multitude of issues that were agreed upon as a result of the Interested Parties meetings, which will bring uniformity to areas including (but not limited to) due dates for estimated tax payments, due dates of withholding payments, due dates and procedures for extension request filings, due dates for annual Reconciliation of Returns, all of which will simplify the compliance process for businesses and individuals alike.

Section 5. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities, businesses, and individuals as a simple, generic, one-stop method of filing local business income tax returns in one location.

Section 6. Members of the Ohio House and Senate should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

Section 7. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City must maintain revenue levels without threat of assault via legislation proposed by the Ohio General Assembly; therefore, this Resolution shall be in full force and effect immediately upon its adoption by Council.

Passed by Council on the ____ day of _____ 2012;
____ Yeas; ____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

Fw[2]: HB601 Issues of Opposition

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>
Attachments: 601problems.docx (16.5 kB);

11/27/12 07:56 AM

-----Original Message-----

From: "Peg Miller" <pmiller@napoleonohio.com>
To: "Greg Heath" <gheath@napoleonohio.com>
Date: 11/27/2012 07:26 AM
Subject: Fw: HB601 Issues of Opposition

-----Original Message-----

From: "Michelle Jordan" <datataxgroup@gmail.com>
To: "undisclosed-recipients:"@napoleonohio.com
Date: 11/26/12 14:54
Subject: HB601 Issues of Opposition

Dear DATA members:

Please see the e-mail and attachment from OML / Kent Scarrett. Please share this important document with your administration. This clearly represents the top issues raised by HB 601.

Thanks to OML for preparing and distributing this document.

Michelle

----- Forwarded message -----

From: **Kent Scarrett** <kscarrett@omloho.org>
Date: Mon, Nov 26, 2012 at 2:47 PM
Subject: HB601 Issues of Opposition
To: akuhn@cityofsylvaniamail.com, gfriedenberger@ci.canfield.oh.us, thedge@fairfield-city.org, csnyder@cityofgreen.org, Bbrowning@ci.reynoldsburg.oh.us, timothy.cosgrove@squiresanders.com, tim.riordan@daytonohio.gov, glover@focusedcapitalsolutions.com, Lindsey Queen <Lindsey@ohioretailmerchants.com>, rzimmerman@beneschlaw.com, Rick Ayish <rayish@thesuccessgroup.com>, zschiller@policymattersohio.org, penny@pennytipps.com, James Neusser <munitaxoh@yahoo.com>, slove1963@yahoo.com, StanUmpleby@hotmail.com, rflickinger@cityofbarberton.com, mayor@cityofbryan.com, slove@gormanrupp.com, attymfortunato@sbcglobal.net, healy@cantonohio.gov, oville@frontier.com, vmccall@city.cleveland.oh.us, prtyson@columbus.gov, susan.navarre@daytonohio.gov, czmarilee@aol.com, stiney.vonderhaar@evendaleohio.org, MayorKeckler@yahoo.com, kiptonvillage@ncw.com, mayor@ci.lancaster.oh.us, mayor@cityhall.lima.oh.us, joyce-jim@msn.com, deades@rrohio.com, mayorschertzer@marionohio.org, roberttribby@mayfieldheights.org, ghunter@hunterlawoffices.us, mepayton@hotmail.com, dgillock@nridgeville.org, Mayor@orrville.com, mayorsoffice@cityofparma-oh.gov, mayor@seuclid.com, jbodenmiller@ci.springfield.oh.us, stcmayor@stclairsville.com, grepella@cityofsteubenville.us, loissingleton@trotwood.org, patrick.titterington@troyohio.gov, btownsend@westcarrollton.org, mhall@groveport.org, datataxgroup@gmail.com, lgischel@ritaohio.com, timberman@ci.athens.oh.us, bjobes@newarkohio.net, Mjfrank@columbus.gov, mfunk@cityofsharonville.com, mariemont.tax@fuse.net, fgibson@dublin.oh.us, Mcdulinm@ci.hamilton.oh.us, art@cityofgreen.org, bmeaker@city.cleveland.oh.us, clarence.coleman@toledo.oh.gov, dbernaciak@stow.oh.us, chris.fast@cityhall.lima.oh.us,

Components of House Bill 601 that hasten municipalities to their “Fiscal Cliffs” and impose unnecessary administrative burdens while continuing the assault on local control.

“HB601 TALKING POINTS”

Imposes upon all municipalities the mandate to allow a 5 year **Net Operating Loss (NOL) carry forward** policy. For the 174 municipalities in Ohio which currently offer no such business tax deferral policy, this unfunded mandate would represent a significant loss of revenue while an additional 64 cities and village who have less than a 5 year treatment, but more than zero, would also experience reduced cash flow by this mandate.

Extends the current **12 day occasional entrant** treatment rule, which is uniform statewide by lengthening this municipal tax deferral policy to nonresident workers to 20 days, before a municipality may impose a tax. The bill also defines as when a day counts as the “majority” of the day spent in one community. The original agreement reached in negotiations was that a day would be defined as counting when a worker had spent the “preponderance” of a day; the difference in the definitions is significant and will result in less tax revenues by wage earners in communities and those that use municipal services.

Eliminates current “**throwback**” **provision** by redefining sales for purposes of net profit, prohibiting current ability of municipalities to apply their local tax to businesses that have income generated through off-site or internet sales. This would include communities that host businesses that have any catalogue sales, or commerce through electronic means including Accountants, Law Firms, Contractors and other professional organizations.

Taxpayers will not be considered a resident of any Ohio municipality for municipal income tax purposes if the taxpayer is a nonresident of the State of Ohio under the state’s **bright line residency test**. There are numerous court rulings that have determined for municipal tax purposes, taxation should be based on domicile, the location to which you intend to return. On the municipal level, individuals receive the benefit of police and fire services, utility, street and other services with regard to real and personal property while they are absent. This change in treatment would result in significant lost revenue.

For the treatment of **Pass Through Entities (PTE)**, HB601 uses the “paid on behalf” method of withholding local taxes on the taxation of partners, members, shareholders, and beneficiaries and allows municipalities to withhold on PTE income earned within each municipal taxing jurisdiction. PTEs are not considered a taxpayer under the bill and *only* taxpayers are required to declare and pay estimated tax which will result in lost revenue.

Increases significantly administrative burdens on municipality’s ability to perform **auditing** and **assessment** procedures, a primary function of any taxing entity to insure equity and

accountability for all taxpayers. The legislation would expand the list of administrative functions to be considered assessment notices and would require such notices be sent via certified mail to taxpayers, drastically increasing administrative costs for all municipalities.

The legislation **neuters current enforcement** capabilities of municipalities by removing the ability of cities and villages to apply legal remedies through small claims, civil or criminal court proceedings to insure equal enforcement of tax laws. The bill would force municipalities to shift their assessment procedures from filing judicial liens to statutory liens which have proven ineffective in recovery of fines or payments due.

Requires **estimated payments** only from taxpayers whose estimated liability exceeds \$250.00. This new requirement will result in significant cash flow problems for the majority of communities that have thresholds lower than \$250.00.

Expands the size and scope of state government by mandating a new layer of bureaucracy through the creation of the **Municipal Tax Policy Board (MTPB)**. This super committee would be required to create all forms, policies, instructions, enforcement actions and publications for the new state administered municipal tax system. The state committee would be made up of statewide municipal officials who would meet quarterly and would not receive compensation. The new state committee would rule on all local tax issues, in addition to drafting all forms and publications used by all 577 municipalities with an income tax. This new group would also hear cases challenging local uniform issues and would be a “gatekeeper” for issues that ultimately would be considered by JCARR.

Expands the size of local government by requiring communities to hire a new administrative position titled “**Problem Resolution Officer**” to over-see the actions of Tax Administrators. If unable to hire additional employee to meet the new mandate, a community must reassign a current staff member to perform the duties.

Eliminates local control by requiring municipalities to repeal their existing income tax ordinances and adopt “by reference” all of the provisions of ORC **Chapter 718**, making all local tax ordinances obsolete. The mandate would hand complete administrative control over to the Ohio Department of Taxation, leaving no discretion to municipalities as to the administration, enforcement or reporting that is appropriate for its community and taxpayers.

Removes control of municipalities administration of day to day operation of its tax office by dictating that offices must be open five days a week, excluding Saturdays, Sundays and Holidays. No flexibility is given for changes in work schedules due to reductions in local budgets resulting in part time staffing and flex time programs.

Imposes on municipalities the **obligation to report** to the Auditor of State and the MTPB every year the amount of revenue collected for the preceding year. If the reporting requirements are not met, the offending community will be prohibited from collecting penalties on unpaid tax until it

meets the state's standards. The requirement to report annual revenues is already in Ohio statute and must be made to the Department of Taxation.

Exposes public servants working in Tax offices to personal legal exposure by allowing grievous taxpayers the ability to **sue a municipality or Tax Administrator** or both for certain acts or omissions. If such a legal suit is found to be "frivolous" the taxpayer can be ordered by the court to pay a fine of up to \$10,000.00 to the **general revenue fund of the state**, not the community that had to defend itself from the "frivolous" legal attack.

The bill would allow **damages for attorney fees** to be assessed to cities and taxpayers at all levels of actions taken with any Board or Court. The revenue impact could be substantial depending upon future decisions by the State of Ohio Board of Tax Appeals or courts hearing these decisions.

Fw[2]: Fwd: H.Ways and Means Hearing on HB601

From: "Gregory J Heath" <gheath@napoleonohio.com> 11/30/12 09:06 AM
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>
Attachments: 601_SponsorTestimonyGrossmanOnly_11.18.12.doc (44.2 kB); 601 SponsorTestimony.doc (55 kB); 601gongstry.pdf (124.2 kB);

For Council Packets

-----Original Message-----

From: "Peg Miller" <pmiller@napoleonohio.com>
To: "Greg Heath" <gheath@napoleonohio.com>, "Chris Peddicord" <cpeddicord@napoleonohio.com>
Date: 11/29/2012 02:46 PM
Subject: Fw: Fwd: H.Ways and Means Hearing on HB601

-----Original Message-----

From: "Michelle Jordan" <datataxgroup@gmail.com>
To: "undisclosed-recipients:"@napoleonohio.com
Date: 11/29/12 12:53
Subject: Fwd: H.Ways and Means Hearing on HB601

Dear DATA members:

Please see the update e-mail below from Kent Scarrett, and the attachments (sponsor testimony from yesterday, Gongwer News Service article).

Please be sure to share this with your administration.

Thank you!

Michelle

----- Forwarded message -----

From: **Kent Scarrett** <kscarrett@omlohio.org>
Date: Thu, Nov 29, 2012 at 12:49 PM
Subject: H.Ways and Means Hearing on HB601
To: rflickinger@cityofbarberton.com, mayer@cityofbryan.com, slove@gormanrupp.com, attymfortunato@sbcglobal.net, healy@cantonohio.gov, oville@frontier.com, vmccall@city.cleveland.oh.us, prtyson@columbus.gov, susan.navarre@daytonohio.gov, czmarilee@aol.com, stiney.vonderhaar@evendaleohio.org, MayorKeckler@yahoo.com, kiptonvillage@ncw.com, mayer@ci.lancaster.oh.us, mayer@cityhall.lima.oh.us, joyce-jim@msn.com, deades@rroho.com, mayorschertzer@marionohio.org, roberttribby@mayfieldheights.org, ghunter@hunterlawoffices.us, mepayton@hotmail.com, dqillock@nridgeville.org, Mayor@orrville.com, mayorsoffice@cityofparma-oh.gov, mayer@seuclid.com, jbodenmiller@ci.springfield.oh.us, stcmayor@stclairsville.com, grepella@cityofsteubenville.us, loissingleton@trotwood.org, patrick.titterington@troyohio.gov, btownsend@westcarrollton.org, mhall@groveport.org, datataxgroup@gmail.com, lgischel@ritaohio.com, t timberman@ci.athens.oh.us, bjobes@newarkohio.net, Mjfrank@columbus.gov, mfunk@cityofsharonville.com, mariemont.tax@fuse.net, fgibson@dublin.oh.us, Mcdulinm@ci.hamilton.oh.us, art@cityofgreen.org, bmeaker@city.cleveland.oh.us, clarence.coleman@toledo.oh.gov, teresa.gilligan@cincinnati-oh.gov, sgill@uaoh.net, akuhn@cityofsylvania.com, dbernaciak@stow.oh.us, chris.fast@cityhall.lima.oh.us, bejoy.john@daytonohio.gov, dsmith@ritaohio.com, athomas@ci.findlay.oh.us, rzimmerman@beneschlaw.com, zschiller@policymattersohio.org, glover@focusedcapitolsolutions.com, penny@pennytipps.com,

timothy.cosgrove@squiresanders.com, djudd@mariemont.org, gfriedenberger@ci.canfield.oh.us, thedge@fairfield-city.org, csnyder@cityofgreen.org, Bbrowning@ci.reynoldsburg.oh.us, James Neusser <munitaxoh@yahoo.com>, Jim Benedict <jbenedict@govstrategies.com>, dsutherland@cityofbayvillage.com, Rick Ayish <rayish@thesuccessgroup.com>, ariel.walker@cityofdayton.org, tim.riordan@daytonohio.gov, tschulte@masonoh.org, Linda Neeley <taxcommissioner@tiffinohio.gov>, firstsuburbs@ameritech.net

Good Afternoon Everyone

Attached please find copies of Sponsor testimony given yesterday by Reps. Grossman and Henne on their HB601. I have also attached an article covering the hearing from the Gongwer Statehouse News service.

It is our understanding from conversations after the hearing that there will not be anymore committee action on the legislation this year and whatever bill is not successful in getting through the legislative process by the year's end will have to be reintroduced next year, at the beginning of the new General Assembly.

We fully expect if not the identical version of HB601 then something very similar will be proposed next year.

We will be covering the hearing in our Bulletin tomorrow but wanted to get this out to you early.

If you have any questions or concerns, please feel free to contact me.

Have a great day!

Kent

Kent M. Scarrett
Director of Communications/Lobbyist
Ohio Municipal League
[\(800\)561-3597](tel:(800)561-3597) toll free
[\(614\)221-4349](tel:(614)221-4349) office
[\(614\)204-0287](tel:(614)204-0287) cell
kscarrett@omloho.org

Both Kent M. Scarrett and the Ohio Municipal League intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message immediately and notify the Ohio Municipal League at [\(614\)221-4349](tel:(614)221-4349). Thank you.

--

Michelle Jordan
DATA
Dayton Area Tax Administrators

Tax Manager, Dayton Branch Office
Central Collection Agency
371 W Second St, Suite 110
Dayton OH 45402
937.227.1359 Office



Representative Cheryl Grossman

Ways & Means Committee
November 28, 2012

Statehouse Room 114
3:30 p.m.

HB 601 Sponsor Testimony

Chair Beck, Vice Chair Boose, and Ranking Member Letson, Ohio is at a critical time in history as we work together to provide and retain jobs in Ohio and improve our economy. Before being elected to the Ohio House, I served for 12 years as Mayor of Grove City. It was a tremendous opportunity for me to learn much about the operations of a city and in Ohio and the reliance on municipal income tax revenue. I understand why it is important as we strive to create a uniform municipal income tax code and the concerns some cities may have on this. I can also share that we are working diligently with our partners to make this as revenue neutral as possible and as business friendly as we possibly can. We have been meeting with representatives from the OML, city finance directors, non OML representative, the Ohio Chamber, and the Ohio CPAs, former Tax Commissioner Tom Zaino and the NFIB so that all parties have had a seat at the table for the past twenty months. This is a highly complex and challenging opportunity we have before us.

Municipal income tax legislation was first enacted in 1946 in Ohio. We are one of only ten states where municipalities assess and collect an individual and business income tax—all states except Ohio and Pennsylvania have twenty two or fewer cities assessing a municipal income tax. In Ohio, we have almost 600 cities utilizing almost 300 different forms in which to accomplish this. Ohio is the only state where each city is permitted to create their own definition of income, set their own rules and regulations, mandate use of their own forms and assess varied amounts of penalties and interest.

Municipal income tax uniformity has long been a legislative priority for many individuals and business taxpayers. That fact is exemplified by the 19 member Ohio Municipal Income Tax Uniformity Coalition, a broad-based coalition of professional associations, trade organizations and Chambers of Commerce representing virtually all sectors of Ohio's employers.

The basis for good tax policy should include simplicity and predictability. Neither is currently found in Ohio's municipal income tax code. The compliance burden is particularly burdensome for small businesses who cannot afford to hire dedicated staff or outside professionals to research the potentially almost 600 different definitions, rules and regulations that are not only imposed on

their business but their employees as well. Either option adds an expense that is not necessary in other states. Further, for taxpayers who prepare and file their taxes in multiple cities, it is not uncommon for the cost of complying with the law to exceed the tax liability.

The current structure is an economic development barrier to retaining and attracting jobs and a costly regulatory burden for businesses and individual taxpayers. I have spoken with international site selectors who have indicated that our state's complex local tax structure is one of the top two barriers for doing business in Ohio. I have also spoken with companies who have relocated to Ohio who have indicated if they knew of our local tax structure that they would have never moved to Ohio.

House Bill 601 was introduced as a beginning point on important legislation as we all share the goal of making Ohio competitive nationally and internationally and strengthening our economy. We welcome the opportunity for continued input from the various interested parties as we work together in the 130th General Assembly to make this a significant bill that can be supported by all interested parties on behalf of the people of Ohio and Ohio's future.

Thank you. I will now give way to my Joint Sponsor, Rep. Mike Henne.



Representatives Cheryl Grossman and Mike Henne

Ways & Means Committee
November 28, 2012

Statehouse Room 114
3:30 p.m.

HB 601 Sponsor Testimony

Chair Beck, Vice Chair Boose, and Ranking Member Letson, thank you for the opportunity to present testimony today. Thank you, Representative Grossman, for providing the committee with an excellent explanation of the problem at hand, and the process which led to the drafting of House Bill 601.

Before explaining the changes this bill makes to the municipal income tax code, I want to tell you why I chose to tackle this contentious issue. While running for office in 2010, I spoke with countless business owners in my district. I wanted to know their concerns and ideas. The vast majority of those constituents expressed their frustration with the current municipal income tax filing system as a top concern. Many of them told me they pay more to file their municipal income taxes than they actually owe in the tax itself. Some were even willing to pay higher taxes if the filing burden could be relieved. This is bad tax policy and bad for Ohio. I decided then to make this one of my top priorities.

The major changes this bill proposes are as follows:

- **Net operating loss (NOL) carry forwards** – This bill mandates a five year carry forward period for all net operating losses generated in tax years ending in 2014 and after. This is the mean of Ohio’s taxing municipal corporations. The new carry forward period is phased-in over five years
- **Pass-through entity treatment** - The municipal income tax will be legally due at the owner level, but each pass-through entity will be required to withhold tax on behalf of each owner. Partnerships, S corporations, limited liability corporations, and limited liability partnerships will now be treated uniformly by all municipalities. Each owner will then get a credit for the tax withheld for purposes of both the tax imposed on individuals and the net profit tax imposed on businesses. If the owner of the pass-through entity is another pass-through entity, then the owner PTE gets a credit for the tax withheld below (i.e., no double withholding)
- **Definition of resident** – The bill synchronizes the state and city tax system by providing that an individual who is a nonresident of Ohio for tax purposes is also a nonresident of any Ohio municipality for municipal tax purposes

- **Definition of income** – The bill imposes limits on all municipal corporations by providing uniform definitions of income:
 - Intangible income remains exempt under the proposal. However, the definition of intangible income is clarified to clearly exclude gambling winnings or any amounts reported on federal schedules C, E, and F within the definition of intangible income
 - Earnings of children under the age of 18 years of age will not be taxable unless it is included in qualifying wages
 - Expenses claimed on federal form 2106 will no longer be deductible under the proposed bill
 - The bill grandfathers any municipal corporation that has already adopted an ordinance to exempt stock option income and deferred compensation, but no new municipalities will be able to deviate from the uniform treatment
 - The bill also grandfathers municipalities who have adopted federal adjusted gross income as their tax base to continue utilizing that tax base

- **Twelve day exclusion expanded to 20 days**
 - The bill defines a “day” so that no individual can be considered to be in more than one city for tax purposes on any given calendar day. The proposed law uses a “preponderance” test to determine in which city an employee will be considered to have worked on each day
 - Although the 20 day exclusion applies, the employer must still withhold tax on the employee’s wages if the employee’s principal place of work is located in a municipality that imposes an income tax. Once an employee reaches 21 days inside a municipality, withholding is only required on that day and going forward
 - If a municipality cannot require withholding because the 20 day or less exclusion applies, the municipality generally may not assess tax on those same wages in the hands of the employee. However, two exceptions apply to this general rule. First, the employee’s resident municipality may always tax wages earned in any location. Second, if the employee files a refund for tax withheld to the principal place of work location on those 20 or fewer days, then the 20 day exclusion will not apply and the municipality may assess tax on wages earned (under the preponderance test) in the municipality on those 20 and fewer days. In this event, the employer is still protected from withholding

- **Apportionment**
 - The bill eliminates the throw back rule, but sites the sale of tangible personal property to the location where title passes
 - The bill provides that a municipal tax administrator is permitted to approve use of alternative apportionment factors
 - Concerning professional athletes, the bill imposes a uniform duty day approach for all municipalities
 - Lessors of real property are permitted under this bill to elect separate accounting treatment for purposes of calculating the amount of taxable income earned in the municipal corporation. Once a taxpayer makes this election, it must be applied to all rental properties of the owner
 - The bill provides that the net profit relating to the sales and commissions of real estate is allocated to where the properties are located

- **Tax returns and estimated payments**
 - HB 601 adopts the federal dates for filing tax returns
 - A corporate taxpayer may elect to file a consolidated tax return under this bill
 - The bill proposes an annual \$250 threshold of tax due before estimated payments will be required. The due date will be the same as the federal due dates, except the fourth payment shall be due in December
 - A de minimis test will limit the need for a business to file a net profit tax return

- Whereas the bill provides that no employer may withhold in excess of the rate imposed by the city, it does permit employers to withhold for an employee's resident city. Also, the bill requires that all municipalities require withholding on gaming winnings
- **Audits, assessments and appeals** – The bill proposes uniform powers for tax administrators to audit and assess municipal income tax, and uniform appeal procedures, both similar to those at the state level.
- **Local board of review** – Each municipality imposing an income tax is required to appoint a local board of review, which shall consider appeals by taxpayers from assessments and denials of refunds
- **Municipal tax policy board (MTPB)** – The bill creates the MTPB, a seven member board, to empower Ohio's municipal corporations to jointly create state-wide tax forms and Ohio administrative code provisions. Five of the members will be tax administrators from different sized municipalities, one from the Regional Income Tax Authority (RITA), and one from the Centralized Collection Agency (CCA).
- **Administrative provisions**
 - The bill provides an innocent spouse procedure similar to that available at the state and federal level
 - Under the bill, municipal corporations with a population of 30,000 or more are required to appoint a problem resolution officer
 - The bill provides a three year statute of limitations for the assessment or refund of tax
 - The bill requires that the interest charged on delinquent or assessed tax, as well as refund tax, be the same rate used for state tax purposes
 - The bill provides that a tax administrator may issue jeopardy assessments against taxpayers, similar to the powers that exist at the state level
- **Attorney fees** – Municipal corporations may request reimbursement from taxpayers for reasonable attorney fees related to collection and appeal costs. Taxpayers appealing assessments or refund denials may also request reimbursement for reasonable attorney fees if successful upon appeal
- **Income tax revenue reporting** – The bill requires that municipalities imposing an income tax must submit to the MTPB and the state auditor the amount of tax revenue collected each year. The state tax commissioner is required to publish these revenue statistics in his or her annual report

House Bill 601 will require municipal corporations to adhere to the changes beginning January 1, 2014 unless otherwise noted.

Each municipality will remain able to determine its own tax rate, and administer, collect, and enforce its own tax. The bill does not impose any form of centralized collection of municipal income taxes.

House Bill 601 makes many common-sense changes to the municipal income tax code. Whereas some decisions were simple, others were not, and the interested parties have spent numerous grueling hours weighing pro's and con's to each combative issue. We aim to find a common ground for our cities and our business community and welcome any suggestions to strengthen House Bill 601.

Thank you, Chair, for this time to present testimony. I can take any questions you may have now.



Volume #81, Report #230, Article #8--Wednesday, November 28, 2012

Senate Activity Report | House Activity Report

Municipal Income Tax Rewrite Gets Initial Hearing

A House panel kicked off Wednesday what is likely to be an extensive and heated debate over the way municipal income taxes are collected in Ohio.

While the House Ways & Means Committee took sponsor testimony on the legislation ([HB 601](#)), its sponsors indicated the measure is subject to change and is best suited for more discussion in the next General Assembly.

[Rep. Cheryl Grossman](#) (R-Grove City) said the bill strives to streamline the state's local tax collection system, noting that many companies face significant burdens in complying with more than 300 different municipal tax forms.

Ms. Grossman said the final product should create a more simple system, and one that is largely revenue neutral for local governments.

[Rep. Michael Henne](#) (R-Clayton) said business owners in his district have raised concern about municipal taxes, with some saying their compliance costs exceed the amount of the taxes due to the local governments.

Many companies in that situation, he said, have expressed a willingness to pay higher taxes, if compliance costs can be reduced.

"There's no other state that's anywhere near as complex as us," Mr. Henne said.

Mr. Henne said the bill makes a number of technical changes to the process, but said the most controversial include changes regarding losses carried forward, a 12-day rule for withholding local taxes and adjustments regarding pass-through entities.

He said the bill doesn't establish any kind of centralized collection mechanism.

Mr. Henne said the sponsors have been looking for "common ground" with opposing groups, and said changes will be coming.

[Rep. Terry Boose](#) (R-Norwalk) relayed concerns he has heard from local governments that are saying they would face significant revenue losses with the change. "Of course they're all telling us they're going to be

devastated by this bill," he said.

Rep. Grossman said she is trying to minimize the financial impact the bill would have on cities, and cautioned that some loss estimates may not be correct.

"Some of those projections are not at all accurate," she said. "It's easy to say the sky is falling."

Still, Mr. Boose said it will be difficult for the panel to advance the bill if it doesn't first have figures showing the financial impact the changes could have on cities.

In a letter to Chairman [Rep. Peter Beck](#) (R-Mason), the Ohio Municipal League reiterated its opposition to the plan, which it said would block municipalities from operating their tax offices in the same way - and, in many cases, with less revenue.

The group said OML leaders support the idea of greater uniformity in city income tax policies and procedures and noted that an alternative proposal that eases collections without cutting revenues was shared with sponsors and stakeholders, but not included in the bill.

"As you are aware, local governments and municipalities in particular have experienced significant budget reductions due to funding cuts that were part of [HB 153](#), the last biennial budget..." they wrote. "Our municipalities agree that there should be greater uniformity in the municipal income tax but our members can not sacrifice the safety and economic stability of our communities to achieve what many fear is just a chance for certain taxpayers to lower their overall tax obligations."

[Back To Top >>](#)

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2012 OML Bulletins

November 26, 2012

GENERAL ASSEMBLY PREPARES FOR BUSY WEEK

The Ohio General Assembly returns to Columbus this week to finish-out the legislative work that remains until the end of the year when the 129th General Assembly ends. This “Lame Duck” session, as it is commonly referred to, can get pretty “active” and legislative proposals, amendments and last ditch attempts are common around the Statehouse during this time. Because of the unpredictable nature generated by this type legislative activity, our members should be expecting an increase in the amount of email Bulletins arriving in their “In Boxes” from us as we try and keep our members informed of the final legislative push. Because of the holiday week last week, the legislative committee schedule was released today.

As a reminder, HB601, Reps. Grossman and Henne’s bill altering municipal taxation policies will receive its first hearing before the House Ways and Means committee Wednesday, November 28th at 3:30pm in hearing room#114. The hearing will be for the sponsors to present their legislation to the full committee and will be an opportunity to explain what they have proposed. Those following this issue may find the hearing and information provided to the committee members “interesting” so we encourage anyone interested to attend the hearing.

There are two bills being heard this week that would change the population criteria for communities to hold Mayor’s Court. Representative Courtney Combs (R-Fairfield) previously introduced HB523 which would increase from 100 to 1,000 the population necessary to be eligible to hold a Mayor’s Court. The bill is scheduled for a second hearing in the House Judiciary and Ethics Committee and Chairman Bubp is calling for all parties to testify with the possibility that the bill will be amended and voted on. The Hearing is scheduled for Tuesday, November 27 at 4pm in hearing room#122. The second Mayors Court bill has been sponsored by Sen. Patton and is SB 254. It too raises the population requirement for a municipality to hold a Mayors Court to 200 residents. SB 254 is scheduled to receive a third hearing by the Senate Judiciary committee this Tuesday, November 27 in the North Hearing Room of the Senate annex at 3:00pm.

Although there are a slew of other bills being heard this week by legislative committees, these three have received our most attention and are bills we feel you should be aware of. Again, please watch for more notices as legislative activity warrants.



CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151

Gregory J. Heath, Director of Finance/Clerk of Council
phone (419) 599-1235 fax (419)-599-8393

Web Page: www.napoleonohio.com

Email: gheath@napoleonohio.com

DATE: December 3, 2012

TO: Members of City Council; Ronald A. Behm, Mayor;
Dr. Jon A. Bisher, City Manager; Trevor M. Hayberger, City Law Director

FROM: Gregory J. Heath, Finance Director

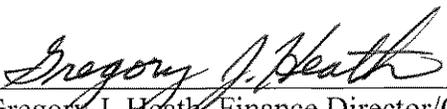
SUBJECT: Official Approval in Minutes of Various – **2012 Financial Reports**

Listed below are General Financial Reports and Other Information currently included for your review and approval to be recorded in City Council minutes.

Reports for your consideration, review and approval:

- A- Payroll Summary Report by Department for the following periods:
 - 1- Payroll for November 30, 2012 - \$223,718.55, YTD - \$5,565,807.72.
- B- KWH Tax – Month End Report and Payment:
 - 1- Electric KWH Tax Paid for November 2012, State \$7,633.00; City \$38,467.99.
- C- Other Periodic Reports for Council Review and/or Approval:
 - 1- License Tax Stat.Report through 10/31/2012 – MTD - \$7,688.13; YTD - \$85,517.92.
 - 2- BORMA P&C Financials & Reconciliation Summary Reports through 10/31/2012.
 - 3- Productive Portfolios, Inc., Weekly Newsletters on various Investment Issues.

I request a motion for the record to accept and approve the reports as presented. Thank you for your assistance, please call if you have any questions.



Gregory J. Heath, Finance Director/Clerk of Council

Attachments

①

Department	PAYROLL NOVEMBER 30, 2012					
	Current Pay	Current Pay	Current Pay	YTD	YTD	YTD
	Regular	Overtime	Gross Pay	Regular	Overtime	Gross Pay
City Council/Legislative	\$388.60	\$0.00	\$388.60	\$17,995.46	\$0.00	\$17,995.46
Mayor/Executive	\$512.09	\$0.00	\$512.09	\$12,290.07	\$0.00	\$12,290.07
City Manager/Administration	\$6,387.84	\$67.51	\$6,455.35	\$153,451.18	\$135.02	\$153,586.20
Human Resource	\$2,750.88	\$0.00	\$2,750.88	\$66,021.13	\$0.00	\$66,021.13
Law Director/Administration	\$4,261.68	\$0.00	\$4,261.68	\$106,844.52	\$33.75	\$106,878.27
Finance/Administration	\$10,439.29	\$16.76	\$10,456.05	\$249,286.19	\$460.83	\$249,747.02
Finance/Income Tax Department	\$3,608.63	\$0.00	\$3,608.63	\$86,374.18	\$2,133.35	\$88,507.53
Finance/Utility Billing Collection	\$3,357.17	\$7.72	\$3,364.89	\$84,209.22	\$659.99	\$84,869.21
Management Information System	\$2,286.99	\$0.00	\$2,286.99	\$73,586.24	\$0.00	\$73,586.24
Engineering/City Engineer	\$6,879.62	\$241.98	\$7,121.60	\$171,021.52	\$3,869.30	\$174,890.82
Municipal Court/Judicial	\$13,002.65	\$0.00	\$13,002.65	\$321,102.34	\$42.13	\$321,144.47
Police Safety Services	\$44,125.91	\$2,665.57	\$46,791.48	\$1,013,453.10	\$37,652.88	\$1,051,105.98
Police Jag Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Fire/Safety Services	\$21,205.39	\$2,939.96	\$24,145.35	\$532,691.58	\$14,887.37	\$547,578.95
Building & Zoning	\$2,945.56	\$0.00	\$2,945.56	\$73,413.58	\$211.39	\$73,624.97
Parks/Administration	\$2,793.16	\$0.00	\$2,793.16	\$68,703.74	\$0.00	\$68,703.74
Recreation/Golf Operating	\$2,278.12	\$0.00	\$2,278.12	\$107,928.00	\$0.00	\$107,928.00
Recreation/Pool Operating	\$259.68	\$0.00	\$259.68	\$39,963.61	\$0.00	\$39,963.61
Recreation/ Programs	\$5,110.63	\$233.74	\$5,344.37	\$168,600.44	\$10,096.10	\$178,696.54
Cemetery/Grounds	\$1,969.14	\$0.00	\$1,969.14	\$51,221.53	\$2,372.21	\$53,593.74
Streets Maintenance	\$6,624.07	\$0.00	\$6,624.07	\$151,805.94	\$3,349.12	\$155,155.06
Ice & Snow Removal	\$0.00	\$0.00	\$0.00	\$2,062.43	\$3,498.06	\$5,560.49
Service Storm	\$0.00	\$0.00	\$0.00	\$10,718.51	\$134.14	\$10,852.65
Service/Buildings, Properties	\$1,686.27	\$0.00	\$1,686.27	\$89,195.27	\$1,072.64	\$90,267.91
Service/Central Garage	\$3,816.95	\$125.40	\$3,942.35	\$87,804.53	\$3,726.01	\$91,530.54
Electric/Distribution	\$29,838.75	\$1,229.65	\$31,068.40	\$697,345.08	\$30,857.34	\$728,202.42
Water Treatment Plant	\$8,919.68	\$28.63	\$8,948.31	\$233,374.29	\$3,021.87	\$236,396.16
Water Distribution System	\$10,136.45	\$604.07	\$10,740.52	\$238,591.20	\$7,855.50	\$246,446.70
Sewer WWT Plant Operations	\$10,195.48	\$350.68	\$10,546.16	\$259,839.42	\$5,276.18	\$265,115.60
Sewer (WWT) Collection System	\$1,066.82	\$0.00	\$1,066.82	\$26,166.26	\$0.00	\$26,166.26
Sewer Cleaning & Improvement	\$1,976.73	\$0.00	\$1,976.73	\$95,348.79	\$1,415.29	\$96,764.08
Sanitation Collection & Disposal	\$4,033.76	\$539.57	\$4,573.33	\$96,520.58	\$2,706.36	\$99,226.94
Sanitation Special Refuse Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sanitation Yard Waste	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sanitation Recycling Programs	\$1,586.25	\$223.07	\$1,809.32	\$39,794.46	\$3,616.50	\$43,410.96
TOTAL GROSS PAY	\$214,444.24	\$9,274.31	\$223,718.55	\$5,426,724.39	\$139,083.33	\$5,565,807.72
TOTAL GROSS PAY 12-02-11	\$272,344.21	\$3,740.63	\$276,084.84	\$5,454,523.09	\$174,354.20	\$5,628,877.29

Account Name Total KWH Code Amount KWH Unm KWH Days

(B)

PERIOD ENDING:

NOVEMBER, 2012

** Grand Totals Ct 5875

Code	Tax	KWH	Unmeter KWH	Total KWH
CITY!T1	12,983.93	2,770,608	21,808	2,792,416
CITY!T2	6,159.39	1,456,169	13,865	1,470,034
CITY!T3	19,324.67	5,323,600	0	5,323,600
CITY TOTAL	38,467.99	9,550,377	35,673	9,586,050
CITY OFFSET	0.00			
CITY NONOFFSET	38,467.99			
		<- Inside City Tax		
OHIO!S1	4,483.41	959,050	5,656	964,706
OHIO!S2	874.79	208,785	0	208,785
OHIO!S3	2,274.85	626,680	0	626,680
OHIO TOTAL	7,633.05	1,794,515	5,656	1,800,171
OHIO OFFSET	0.00			
OHIO NONOFFSET	7,633.05			
		<- Outside City Tax		
TAX TOTAL	46,101.04			
OFFSET TOTAL	0.00			
NONOFFSET TOTAL	46,101.04			
TOTAL METERED	11,344,892			
TOTAL UNMETERED	41,329			
TOTAL KWH TAXED	11,386,221			

Inside City - Tax on kWH
 500-9900-59480 Transfer-To 180 kWH (GF) Tax Fund \$38,467.99

Outside City - Tax on kWH (Sent to State of Ohio)
 500-6110-56200 kWH Tax-Treasurer of State \$ 7,633.00

(State Total Rounded to Nearest Whole Dollar)



[Return to Online Services](#) [Home](#)

Electric Distribution Company Tax Return

Thank you for filing your return.

Your Confirmation Number is: 102012331016082

Date received: Mon Nov 26 18:22:40 EST 2012

Account Number: 912000063

Name: City of Napoleon

Period Type: Monthly **Period:** Nov **Year:** 2012

COLUMN A	COLUMN B	COLUMN C
	Number of KWHs Distributed	Tax
1) \$0.00465 tax rate	964,706	\$4,483
2) \$0.00419 tax rate	208,785	\$875
3) \$0.00363 tax rate	626,680	\$2,275
4) Tax Due		\$7,633
5) Interest		\$0
6) Total Due		\$7,633

SCHEDULE OF SELF-ASSESSING PURCHASERS

Account Number	Name	Number of KWHs Distributed
[Print]	[Logout]	[Menu]

[Privacy Policy](#)

release 29, build date April 20th, 2012

user: gheath@napoleonohio, time: 201211261822

B

KWH: File Transfer Confirmation as of 11/27/2012 6:49 AM EST

Warning

Transfer Is Pending Administrator Approval

Transfer Information

Transfer Description:	KWH
File Type:	ACH
Direction:	Upload
Record Size:	94
Blocking Factor:	10
File Encrypted:	Yes
File Edit Option:	Add/Remove Carriage Return/Line Feed

Confirmation Summary

Reference Number:	117513120
Total Number Of Debits:	1
Total Debit Amount:	7,633.00
Total Number Of Credits:	1
Total Credit Amount:	7,633.00

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OHIO DEPARTMENT OF PUBLIC SAFETY
 TAX DISTRIBUTION - LICENSE TAX STATISTICS REPORT
 FOR THE MONTH OF OCTOBER, 2012

RUN DATE: 11/01/2012
 RUN TIME: 13:16:54

TAX DISTRICT: 3508

TAX DISTRICT TOTALS
 COUNTY: HENRY

DISTRICT: NAPOLEON

TYPE OF REGISTRATION		MONTH		YEAR TO DATE	
		UNITS	LICENSE TAX	UNITS	LICENSE TAX
NON COMMERCIAL	THIS YEAR	710	14,611.43	7,105	140,406.39
	LAST YEAR	743	15,057.29	6,985	137,999.90
COMMERCIAL (INCLUDING IRP)	THIS YEAR	61	8,516.24	663	80,843.81
	LAST YEAR	63	8,405.58	581	84,930.48
TOTAL REGISTRATIONS	THIS YEAR	771	23,127.67	7,768	221,250.20
	LAST YEAR	806	21,462.87	7,666	222,930.39
TRANSFERS	THIS YEAR	62	109.00	592	1,004.00
	LAST YEAR	60	71.00	563	928.00
CONVERSIONS AND ADD WEIGHT	THIS YEAR	0	0.00	2	579.50
	LAST YEAR	0	0.00	0	0.00
TOTAL TAX COLLECTED	THIS YEAR	833	23,236.67	8,363	222,833.70
	LAST YEAR	866	21,533.87	8,229	223,858.39
LESS LICENSE COST	THIS YEAR	0	1,704.64	0	16,460.98
	LAST YEAR	0	1,525.67	0	16,974.29
PLUS IRP COMPENSATION	THIS YEAR	0	1,795.72	0	53,215.76
	LAST YEAR	0	2,307.71	0	50,060.68
LESS AUDIT COST	THIS YEAR	0	102.03	0	1,168.40
	LAST YEAR	0	105.11	0	1,097.57
LESS IRP COST	THIS YEAR	0	613.57	0	6,979.89
	LAST YEAR	0	633.08	0	6,360.03
TAX TO BE DISTRIBUTED	THIS YEAR	0	22,612.15	0	251,440.19
	LAST YEAR	0	21,576.72	0	249,487.18
PLUS INTEREST EARNED	THIS YEAR	0	0.00	0	20.88
	LAST YEAR	0	0.00	0	22.59
PLUS IRP INTEREST EARNED	THIS YEAR	0	0.00	0	62.18
	LAST YEAR	0	0.00	0	81.37
TOTAL AMOUNT DISTRIBUTED	THIS YEAR	0	22,612.15	0	251,523.25
	LAST YEAR	0	21,576.72	0	249,591.14

LICENSE TAX DISTRIBUTION

	34% TO CITIES
-- MONTH --	
THIS YEAR	7,688.13
LAST YEAR	7,336.08
-- YEAR TO DATE --	
THIS YEAR	85,517.92
LAST YEAR	84,860.99

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OHIO DEPARTMENT OF PUBLIC SAFETY
 TAX DISTRIBUTION - LICENSE TAX STATISTICS REPORT
 FOR THE MONTH OF OCTOBER, 2012

PAGE : 2

RUN DATE: 11/01/2012
 RUN TIME: 13:16:54

TAX DISTRICT: 3508

TAX DISTRICT TOTALS
 COUNTY: HENRY

DISTRICT: NAPOLEON

TYPE OF REGISTRATION		----- MONTH -----		----- YEAR TO DATE -----	
		UNITS	LICENSE TAX	UNITS	LICENSE TAX
NON COMMERCIAL REGISTRATIONS					
PASSENGER CAR	THIS YEAR	530	10,095.00	5,144	96,965.00
	LAST YEAR	539	10,150.00	5,092	95,701.00
MOTOR HOMES	THIS YEAR	2	70.00	22	701.00
	LAST YEAR	2	70.00	26	873.00
MOTORCYCLES	THIS YEAR	18	131.43	311	2,174.39
	LAST YEAR	17	130.29	305	2,130.80
HOUSE VEHICLES	THIS YEAR	6	60.00	93	803.00
	LAST YEAR	7	63.00	79	692.00
MOPEDS	THIS YEAR	0	0.00	15	129.00
	LAST YEAR	1	10.00	14	110.00
NON COMMERCIAL TRAILERS	THIS YEAR	34	243.00	427	2,878.00
	LAST YEAR	18	245.00	410	2,787.00
NON COMMERCIAL TRUCKS	THIS YEAR	120	4,012.00	1,093	36,758.00
	LAST YEAR	129	4,289.00	1,059	35,706.00
TOTAL NON COMMERCIAL REGISTRATIONS	THIS YEAR	710	14,611.43	7,105	140,406.39
	LAST YEAR	743	15,057.29	6,985	137,999.90
COMMERCIAL REGISTRATIONS					
FARM TRUCKS	THIS YEAR	3	286.40	10	1,259.00
	LAST YEAR	0	0.00	10	619.00
BUSES	THIS YEAR	0	0.00	6	309.00
	LAST YEAR	0	0.00	6	327.00
COMMERCIAL TRAILERS	THIS YEAR	24	580.00	216	5,194.00
	LAST YEAR	33	788.00	230	5,431.00
NON IRP COMMERCIAL TRUCKS	THIS YEAR	23	2,368.59	296	31,727.71
	LAST YEAR	19	1,419.00	295	32,063.34
IRP COMMERCIAL TRUCKS	THIS YEAR	11	5,181.25	135	42,354.10
	LAST YEAR	11	4,198.58	140	46,490.15
TOTAL COMMERCIAL TRUCKS	THIS YEAR	34	7,549.84	431	74,081.81
	LAST YEAR	30	5,617.58	435	78,553.49
TOTAL COMMERCIAL REGISTRATIONS	THIS YEAR	61	8,516.24	663	80,843.81
	LAST YEAR	63	6,405.58	681	84,830.49

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OHIO DEPARTMENT OF PUBLIC SAFETY
 TAX DISTRIBUTION - LICENSE TAX STATISTICS REPORT
 FOR THE MONTH OF OCTOBER, 2012

RUN DATE: 11/01/2012
 RUN TIME: 13:18:54

TAX DISTRICT: 3508

TAX DISTRICT TOTALS

COUNTY: HENRY

DISTRICT: NAPOLEON

IRP INFORMATION

TYPE OF REGISTRATION		----- MONTH -----	----- YEAR TO DATE -----
		LICENSE TAX	LICENSE TAX
IRP TOTAL COLLECTED	THIS YEAR	5,181.25	42,834.60
	LAST YEAR	4,188.58	46,492.15
IRP COMPENSATION AMOUNT	THIS YEAR	1,795.72	53,215.76
	LAST YEAR	2,307.71	50,060.68
LESS AUDIT COST	THIS YEAR	102.03	1,168.40
	LAST YEAR	106.11	1,097.57
LESS IRP COST	THIS YEAR	612.57	6,979.89
	LAST YEAR	633.08	6,360.03
PLUS IRP INTEREST	THIS YEAR	0.00	82.18
	LAST YEAR	0.00	81.37
TOTAL IRP AMOUNT	THIS YEAR	6,261.37	88,064.25
	LAST YEAR	5,767.10	89,176.60

10:06 AM
11/19/12

BORMA General Liability Insurance Pool
Reconciliation Summary
PNC Checking, Period Ending 10/31/2012

C2

	<u>Oct 31, 12</u>
Beginning Balance	222,710.56
Cleared Transactions	
Checks and Payments - 3 items	<u>-32,070.16</u>
Total Cleared Transactions	<u>-32,070.16</u>
Cleared Balance	<u>190,640.40</u>
Register Balance as of 10/31/2012	190,640.40
Ending Balance	190,640.40

C 2

10:06 AM
11/19/12

BORMA General Liability Insurance Pool
Reconciliation Detail
PNC Checking, Period Ending 10/31/2012

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						222,710.56
Cleared Transactions						
Checks and Payments - 3 items						
Transfer	10/16/2012			X	-17,497.67	-17,497.67
Transfer	10/25/2012			X	-14,567.99	-32,065.66
Check	10/31/2012			X	-4.50	-32,070.16
Total Checks and Payments					-32,070.16	-32,070.16
Total Cleared Transactions					-32,070.16	-32,070.16
Cleared Balance					-32,070.16	190,640.40
Register Balance as of 10/31/2012					-32,070.16	190,640.40
Ending Balance					-32,070.16	190,640.40

10:05 AM
11/19/12

BORMA General Liability Insurance Pool
Reconciliation Summary
PNC Money Market Savings, Period Ending 10/31/2012

C 2

	<u>Oct 31, 12</u>
Beginning Balance	242,697.40
Cleared Transactions	
Deposits and Credits - 1 item	<u>41.51</u>
Total Cleared Transactions	<u>41.51</u>
Cleared Balance	<u>242,738.91</u>
Register Balance as of 10/31/2012	<u>242,738.91</u>
Ending Balance	242,738.91

10:05 AM
11/19/12

C 2

BORMA General Liability Insurance Pool
Reconciliation Detail
PNC Money Market Savings, Period Ending 10/31/2012

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						242,697.40
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	10/31/2012			X	41.51	41.51
Total Deposits and Credits					41.51	41.51
Total Cleared Transactions					41.51	41.51
Cleared Balance					41.51	242,738.91
Register Balance as of 10/31/2012					41.51	242,738.91
Ending Balance					41.51	242,738.91

9:26 AM
11/19/12

BORMA General Liability Insurance Pool
Reconciliation Summary
STAR OHIO, Period Ending 10/31/2012

C2

	<u>Oct 31, 12</u>
Beginning Balance	8,726.54
Cleared Transactions	
Deposits and Credits - 1 Item	<u>0.71</u>
Total Cleared Transactions	<u>0.71</u>
Cleared Balance	<u>8,727.25</u>
Register Balance as of 10/31/2012	<u>8,727.25</u>
Ending Balance	8,727.25

9:26 AM
11/19/12

BORMA General Liability Insurance Pool
Reconciliation Detail
STAR OHIO, Period Ending 10/31/2012

C2

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						8,726.54
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	10/31/2012			X	0.71	0.71
Total Deposits and Credits					0.71	0.71
Total Cleared Transactions					0.71	0.71
Cleared Balance					0.71	8,727.25
Register Balance as of 10/31/2012					0.71	8,727.25
Ending Balance					0.71	8,727.25

9:25 AM
11/19/12

BORMA General Liability Insurance Pool
Reconciliation Summary
CITIBANK, Period Ending 10/31/2012

②

	<u>Oct 31, 12</u>
Beginning Balance	12,109.30
Cleared Transactions	
Checks and Payments - 1 item	-30,768.36
Deposits and Credits - 3 items	<u>33,659.06</u>
Total Cleared Transactions	<u>2,890.70</u>
Cleared Balance	<u>15,000.00</u>
Register Balance as of 10/31/2012	15,000.00
Ending Balance	15,000.00

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11/19/12

BORMA General Liability Insurance Pool
Reconciliation Detail
CITIBANK, Period Ending 10/31/2012

C2

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						12,109.30
Cleared Transactions						
Checks and Payments - 1 item						
Bill Pmt -Check	10/31/2012	102012	SDR FUNDING DE...	X	-30,768.36	-30,768.36
Total Checks and Payments					-30,768.36	-30,768.36
Deposits and Credits - 3 items						
Deposit	10/16/2012			X	1,593.40	1,593.40
Transfer	10/16/2012			X	17,497.67	19,091.07
Transfer	10/25/2012			X	14,567.99	33,659.06
Total Deposits and Credits					33,659.06	33,659.06
Total Cleared Transactions					2,890.70	2,890.70
Cleared Balance					2,890.70	15,000.00
Register Balance as of 10/31/2012					2,890.70	15,000.00
Ending Balance					2,890.70	15,000.00



PRODUCTIVE Capital Management, Inc.

C3

Missed Investment Opportunity Disclosure

As your investment adviser, we believe it is our responsibility to continually inform you of changes in the industry as well as situations that may impact our ability to provide you with the best investment opportunity at any given point in time. In this regard, we would like to inform you of a few negative factors that exist when an entity does not utilize a single third-party custodial account for settling trades and holding securities (using a single third-party custodian is referred to as "DVP" or "Delivery vs. Payment"). For example, when multiple safe keep accounts are used (holding securities at the various broker-dealers where security purchases are made) it is more difficult to verify assets as there is no consolidated reporting (multiple account reports must be verified.) Perhaps most importantly, is the potential for a missed investment opportunity when a broker-dealer will only settle securities on a delivery versus payment (DVP) basis – if you don't settle trades DVP you cannot execute trades with these brokers.

Many broker-dealer firms do not hold securities for you for a variety of reasons. In these instances we can only consider certain investment opportunities from these broker-dealers for clients that have a single custodial account (and therefore can settle securities DVP). What that means to any of our clients that do not have a single third-party custodial account to hold your marketable securities is that you may be precluded from participating in attractive investment opportunities. We feel it is our obligation to inform you of this issue, as it is our responsibility to provide all of our clients with the most attractive investment opportunities in the market place; however, our ability to do so is diminished for clients who do not utilize a single third-party custodial account.

If you are interested in establishing having an account with a third-party custodian, we have made arrangements with US Bank to offer custodial services to Productive Capital Management's clients on a competitive fee basis. The fee to US Bank is 1 basis point based on the total market value of marketable securities held in the account (e.g., Treasuries, Agencies, Corporates, commercial paper and municipal securities). For example, if you have a total market value of \$10 million in marketable securities, your annual fee would be around \$1,000.

In addition to being able to look at all investment opportunities, a single custodian offers such additional benefits as daily online reporting, daily and month end pricing, and one monthly account report (rather than reconciling multiple broker dealer statements).

We also want to remind our clients that we continue to offer discretionary investment management services. This means that we will abide by the Ohio Revised Code, and your investment policy, when making investment decision on your behalf. We will be in regular communication with you so that we have a clear understanding of your cash needs. The primary benefit to clients is that we can act more quickly when investment opportunities are presented to us, thus eliminating the time delay in obtaining your approval before executing the trade. All discretionary clients must have a third party custodial account.

Please feel free to contact us if you have interest or questions about custodian arrangements with US Bank or our discretionary investment management services.