
Memorandum

To: Mayor & Members of Council
From: Jon Bisher
Subject: General Information
Date: November 27, 2013

*Jon is in Michigan and has appointed
Chad as the Acting City Manager
thru Sun., Dec. 1st.*



CALENDAR

CITY COUNCIL AGENDA

C. APPROVAL OF MINUTES

E. MAYOR PRESENTATION OF 2014 BUDGET

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **RESOLUTION NO. 068-13** a Resolution Amending the Allocation of Funds as found in Section 193.11 of the Codified Ordinances of the City of Napoleon, Ohio.
2. **ORDINANCE NO. 069-13** an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2014.
3. **RESOLUTION NO. 070-13** 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 2014; Listed in Exhibit "A"; and Declaring an Emergency.
4. **ORDINANCE NO. 071-13** an Ordinance Repealing Ordinance No. 012-13 and Establishing New per Person User Fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 Service, Mileage Charge, Mutual Aid, Medicaid, Nursing Home Service and Non-Emergency Transport Service as it relates to Coroner Cases, all provided by the City of Napoleon Rescue; and Declaring an Emergency
5. **RESOLUTION NO. 072-13** a Resolution Authorizing Rolling of \$2.5 Million of Note Debt
6. **RESOLUTION NO. 073-13** a Resolution Adopting the "Plan Amendment" to the City's Reimbursement Services Agreement with WageWorks, Inc. and Authorizing the City Manager or the Finance Director to Execute any Documents Necessary to Execute said Amendment; and Declaring an Emergency.

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 067-13** an Ordinance Amending Section 931.07 Increasing Water Rates for the Years 2014, 2015 and 2016; and Declaring an Emergency.

J. THIRD READING OF ORDINANCES AND RESOLUTIONS

- 1) **RESOLUTION No. 061-13** a Resolution Placing an Issue for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating its Police, Fire and EMS Dispatch as it Currently Operates and Outsource said Operations to the Henry County Sheriff.

K. GOOD OF THE CITY

1. DISCUSSION/ACTION – *Setting of Special Meeting of Council Regarding Sewer Lateral Cost Responsibility and Assessments*

INFORMATIONAL ITEMS

1. *Agenda* – TECHNOLOGY COMMITTEE
2. Lights for Lives
3. From Greg Heath:
 - a. Ohio Municipal League Bulletin/November 25, 2013
 - b. Ohio Municipal League Special Bulletin



JAB:rd
Records Retention
CM-11 - 2 Years

November 2013							December 2013							January 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7	5	6	7	8	9	10	11
3	4	5	6	7	8	9	8	9	10	11	12	13	14	12	13	14	15	16	17	18
10	11	12	13	14	15	16	15	16	17	18	19	20	21	19	20	21	22	23	24	25
17	18	19	20	21	22	23	22	23	24	25	26	27	28	26	27	28	29	30	31	
24	25	26	27	28	29	30	29	30	31											

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 7:00 PM City COUNCIL Meeting 8:00 PM Technology Committee Meeting AV - Dan	3	4	5	6	7 10:00 AM Christmas Parade
8	9 6:30 PM Electric Committee Board of Public Affairs (BOPA) 7:00 PM Water/Sewer Committee 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox	10 4:30 PM Board of Zoning Appeals (BZA) 5:00 PM Planning Commission Mtg.	11	12 AMP - BISHER	13 AMP - BISHER	14
15	16 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Mtg. AV - Dan	17	18	19	20	21
22	23 6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery	24 2:00 PM City Offices Close	25 HOLIDAY - Christmas	26	27	28
29	30	31	1 HOLIDAY - New Year's Day	2	3	4

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, December 2, 2013 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Approval of Minutes:** November 18 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. **Citizen Communication**
- E. **Mayor Presentation of Proposed 2014 Budget**
- F. **Reports from Council Committees**
 - 1. **Parks & Recreation Committee** did not meet on November 18 due to lack of agenda items.
 - 2. **Finance & Budget Committee** *(Majority Report)* met on November 18 and:
 - a. Reviewed the 2014 Budget Review of All Items with an emphasis on Revenues, Debt and Reserve Funding
 - 3. **Finance & Budget Committee** *(Majority Report)* met on November 25 and:
 - a. Tabled the Recommendation to Increase the Bid Requirement with Consideration to Raise to \$50,000
 - 4. **Safety & HR Committee** *(Majority Report)* met on November 25 and:
 - a. Directed the Law Director to Draft Legislation to Raise EMS Transport Service Rates and Prepare 2014 Contracts and Resolutions for the Townships
- G. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Civil Service Commission** did not meet on Tuesday, November 26 due to lack of agenda items.
 - 2. **Parks & Recreation Board** did not meet on Wednesday, November 27 due to lack of agenda items.
 - 3. **Tree Commission** did not meet on Monday, December 2 due to lack of agenda items.
- H. **Introduction of New Ordinances and Resolutions**
 - 1. **Resolution No. 068-13** a Resolution Amending the Allocation of Funds as found in Section 193.11 of the Codified Ordinances of the City of Napoleon, Ohio
 - 2. **Ordinance No. 069-13** an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year ending December 31, 2014
 - 3. **Resolution No. 070-13** 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 2014, Listed in Exhibit "A"; and Declaring an Emergency
 - 4. **Ordinance No. 071-13** an Ordinance Repealing Ordinance No. 012-13 and Establishing New Per Person User Fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 Service, Mileage Charge, Mutual Aid, Medicaid, Nursing Home Service and Non Emergency Transport Service as it Relates to Coroner Cases; All Provided by the City of Napoleon Rescue; and Declaring an Emergency
 - 5. **Ordinance No. 072-13** an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,500,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Constructing a New Water Treatment Plant, Acquiring and Improving Related Interests in Real Property, Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, and Rehabilitating the Elevated Storage Tanks, Together With All Necessary and Related Appurtenances Thereto
 - 6. **Legislation No. 073-13** Legislation Regarding Carryover of Flexible Spending Account Funds
- I. **Second Readings of Ordinances and Resolutions**
 - 1. **Ordinance 067-13** an Ordinance amending Section 931.07 Increasing Water Rates for the years 2014, 2015 and 2016; and Declaring an Emergency
- J. **Third Readings of Ordinances and Resolutions**
 - 1. **Resolution No. 061-13** a Resolution Placing an Issue for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating Its Police, Fire and EMS Dispatch as it Currently Operates and Outsource said Operations to the Henry County

Sheriff

- K. Good of the City** *Any other business as may properly come before Council, including but not limited to:*
 - 1. Discussion/Action:** Setting of Special Meeting of Council regarding Sewer Laterals Cost Responsibility and Assessments
- L. Executive Session:** Regarding Compensation of Personnel
- 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 2 @ 8:00 PM)

- a. Making the City Website More Easily Navigatable

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, December 9 @ 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 9 @ 7:00 PM)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, December 9 @ 7:30 PM)

- a. Traffic Access During Construction
b. Discussion Regarding Upcoming Appian Avenue Construction Project
c. Discussion Regarding Upcoming Northcrest Circle Construction Project
d. Discussion Regarding Upcoming Park Street Construction Project
e. Discussion Regarding Upcoming W. Maumee Avenue Construction Project
f. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, December 16 @ 8:00 PM)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, December 23 @ 6:30 PM)

- a. Recommendation to Increase Bid Requirement with Consideration to Raise to \$50,000 *(Tabled)*

7. Safety & Human Resources Committee (4th Monday)

(Next Regular Meeting with Townships: Monday, December 23 @ 7:30 PM)

8. Personnel Committee (As needed)

B. Items Referred or Pending In Other City Committees, Commissions & Boards

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, December 9 @ 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 10 @ 4:30 PM)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 10 @ 5:00 PM)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, January 20 @ 6:00 PM)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, December 24 @ 4:30 PM)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, December 25 @ 6:30 PM)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, May 13 @ 10:30 AM)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 10 @ 4:00 PM)

9. Housing Council (1st Monday of the month after the TIRC meeting)

(Next Regular Meeting: Monday, May 5, 2014 @ 6:30 PM)

10. Health Care Cost Committee (As needed)

11. Preservation Commission (As needed)

12. Infrastructure/Economic Development Fund Review Committee (As needed)

13. Tax Incentive Review Council (As needed)

14. Volunteer Firefighters' Dependents Fund Board (As needed)

15. Lodge Tax Advisory & Control Board (As needed)

16. Board of Building Appeals (As needed)

17. ADA Compliance Board (As needed)

18. NCTV Advisory Board (As needed)

Sewer Repair And Assessment Cont'd.

required to repair the sidewalk even though it may be located in the public right of way. Sheaffer stated that sidewalks are different since sidewalks affect property values.

McColley stated that Sewer Assessments should be reconsidered on this issue, adding that it shouldn't be a 100% assessment nor 100% homeowner responsibility.

Tassler asked if a fund had been created to help low income residents pay this cost; Bisher replied no, although this has been done in the past on a case by case basis, the City did not receive the grant this year to fund it.

Helberg stated that, during sewer replacement in areas that have the Environmental Protection Agency (EPA) mandates, the sewer should be replaced from the main to the right of way, since this is the least expensive time to replace it, however this raises the issue of the residents in these areas getting the sewer leads replaced at no cost to them. Behm stated that a portion of this work should be assessed. Bisher stated that the previous Council decided that this cost should be socialized. Helberg stated that cost for these utility repairs should also be socialized. Behm urged Council that if any other costs were to be socialized, Council should come to an agreement on how to handle future assessments, otherwise Water/Sewer rates will be raised even higher to offset the cost.

McColley stated that this issue must be considered at the same time as assessments, setting parameters for the assessments, researching percentages and maximum fees as options.

Tassler asked if the Sewer rate was based on water consumption; Bisher replied yes, however many houses have two (2) meters to monitor water that is not going through the sewer system.

Lankenau stated he is the Chair for the WSRRL Committee and this exact issue has come before the Committee three (3) times, resulting in the current rule. Lankenau stated that the assessment rule must be changed through the Finance and Budget Committee and by Council before the WSRRL Committee can change the rule regarding sewer repair. Lankenau addressed Mr. Lange, stating ' . . .you aren't the only one who can see the unfairness . . .a number of people have got hit with this', but ' . . .part of the issue is they had to pay for it . . .', adding that this issue has been looked at in depth but it will not change unless the assessment rule changes first. Lankenau suggested referring two issues to Committees; referring the assessment issue to Finance and Budget, and referring the sewer repair issue to WSRRL and having it tabled until the Finance and Budget Committee reaches a recommendation for Council to reach a decision. McColley stated that this issue is important enough that the whole body of Council should be discussing it.

Marihugh stated not only does he own a sewer tap that goes to the middle of the street, but he has also had to administer this policy while he worked as Operations Superintendent. Marihugh stated he does not understand how a manufactured main line sewer T be a part of the homeowner's responsibility, adding that he does have a WasteWater II Collection License.

Lankenau stated that Council must research some questions regarding assessments, including but not limited to:

1. Will assessments be made across the board on public improvements;
2. Will there be a payment schedule starting at a certain percentage and working up

**Sewer Repair and
Assessment Cont'd.**

over the years; and

3. Will the payment schedule be based on the project.

Lankenau stated that each Capital Improvement Project scenario is different and should be discussed, but Council must make the decision or this will be a recurring issue, adding that the unfairness can be seen however there are reasons the current rule is in place, stating that these projects are expensive and the City cannot afford it.

Ridley stated the homeowner should be responsible for projects that occur at the property line, adding that he sits on the WSRRL Committee and many options were discussed including insurance programs and rate increases, both of which he is in favor of. Maassel added that the repair is a benefit that the homeowner can't even see, giving the example of Lange seeing the hole in the street and calling the City which caused him to be stuck with a bill. Maassel stated the City would be stuck with a big bill if the resident hadn't called and a car hit the hole.

Lankenau and Maassel restated that the sewer repair issue and sewer assessments must be looked at together. Maassel stated he would like to have a joint meeting of the Finance and Budget Committee and WSRRL Committee to listen to the WSRRL information. Lankenau stated that a major factor in the decision making process has been the long term cost to the City, adding that the tap replacement issue should be discussed jointly by the WSRRL Committee either with the Finance & Budget Committee or with Council.

Lange stated that the repair was completed on August 6, 2013; Helberg asked if it was just the tap to the main or the entire line to the right of way; Lange replied just the tap to the main was replaced; no new line was put in, they only repaired what was broken.

Bisher noted that assessment have a procedural schedule to follow which is approximately 120 days. Sheaffer pointed out that the reason assessments were stopped previously was due to the discounts on projects due to bidding, the discount amounts were larger than the assessed amount taken in would have been. Bisher noted this is why the City does a permanent budget, so that projects can be bid out right after the first of the year to receive these discounts. Heath added that even though you can bid the project early, the construction cannot begin until the project has gone through the Assessment Equalization Board. Helberg added that he doesn't think this discussion is about projects being totally assessed, but assessing only for the sewer tap lead from the main to the right of way. McColley added that replacing the existing clay line with new plastic line adds value to the property.

Heath stated he thought there is a section of Code regarding emergency assessments on repairs that will need to be verified with Bond Counsel, and if the homeowner doesn't have the funds for the repair, then the assessment is of value to the homeowner.

Lankenau suggested creating a due diligence list for Staff to before the meeting, including:

1. What's the assessment process;
2. How long does the assessment process take;
3. What are the notices required;
4. What are the costs to the City;
5. What is the history of the current assessment rule;
6. If the assessment rule has changed, when did it change; and
7. How many assessments are there per year.

Sewer Repair And Assessment Cont'd.

McColley asked if it is possible for the City to pay for this individual repair and assess Lange 100% of the cost over the next four (4) years; Hayberger stated he would research this.

Heath stated that there have been meetings regarding the assessment process, and that information has been presented, including timing. Bisher stated that he has spoken with neighboring cities, and there is no set rule for differing projects, giving examples of Bowling Green, stating if it's a single street the homeowner pays but if it's a boulevard the homeowner isn't responsible.

Mrs. Lange stated that she had spoken with the cities of Wauseon and Defiance, and they stated they do not want the homeowners digging up the street for these repairs; Heath stated that he believes these cities charge the residents back for this; Lange disagreed.

Ridley stated there is a difference between projects and repairs, and a policy must be written to take that into consideration.

Sewer Repair And Assessment Referred To Special Meeting Of Council

Helberg assured the Langes that Council is working diligently on finding a solution to the concerns regarding this policy and will research if there are any retroactive measures to be taken; referring the issues of sewer repair and sewer assessments to a Special Meeting of Council on a date to be determined.

Reports From Committees

The Technology & Communication Committee did not meet on November 4 due to lack of agenda items.

Chairman Sheaffer reported that the Electric Committee met on November 11 and recommended:

- 1. Approval of electric billing determinants

The Water, Sewer, Refuse, Recycling and Litter Committee met on November 11 and recommended:

- 1. To increase water/sewer rates by 3% annually
- 2. To proceed forward with the Cooperative Agreement as presented

Chairman Helberg said the Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on November 11 due to lack of agenda items.

Introduction Of Ordinance 067-13

President Helberg read by title Ordinance No. 067-13, An Ordinance Increasing Water Rates for the Years 2014, 2015 and 2016; Modifying the Rate Structure; and Declaring an Emergency

Motion To Approve First Read

Motion: McColley Second: Ridley
To approve first read of Ordinance No. 067-13

Discussion

Bisher stated that the title of Ordinance 067-13 should be amended, stating that the rate structure was previously changed by adding a block rate, but that was not done for these years, in year 2017 it may be modified due to the new Water Plant causing significant differences. Bisher added that Courtney presented there were no changes in except adding new customers with McClure and Courtney's conclusion was a modest rate increase of approximately 3% due to an increase in cost, and recommended reevaluating the rates late in the year 2015 or early in the year 2016. Helberg suggested striking "... Modifying the Rate Structure; ..." from the title.

Motion To Amend Legislation Title	Motion: Lankenau To amend the Title of the Legislation, striking "Modifying the Rate Structure"	Second: McColley
Passed	Roll call vote on above motion:	
Yea- 7	Yea- Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer, Lankenau	
Nay- 0	Nay-	
Passed	Roll call vote to approve first read of Ordinance No. 067-13 with the revision	
Yea- 7	Yea- Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer, Lankenau	
Nay- 0	Nay-	
Second Read Of Resolution No. 061-13	President Helberg read by title Resolution No. 061-13, a Resolution Placing an Issue for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating Its Police, Fire and EMS Dispatch as it Currently Operates and Outsource said Operations to the Henry County Sheriff	
Motion To Approve Second Read	Motion: Sheaffer To approve second read of Resolution No. 061-13	Second: Maassel
Discussion	Hayberger stated there are no changes since first read. Marihugh asked if this would outsource the Operations emergency dispatching as well; Helberg stated that the dispatching for the City Police Department, City Fire Department and EMS would be outsourced, however the Sheriff has refused to accept the City Operations emergency dispatching services.	
Passed	Roll call vote to approve second read of Resolution No. 061-13	
Yea- 5	Yea- Ridley, Maassel, Tassler, Helberg, Sheaffer	
Nay- 0	Nay-	
Abstain- 2	Abstain- McColley, Lankenau	
Third Read Of Ordinance No. 058-13	President Helberg read by title Ordinance No. 058-13, an Ordinance Approving Current August 2013 Replacement Pages to the Napoleon Codified Ordinances	
Motion To Pass On Third Read	Motion: Maassel To pass Ordinance No. 058-13 on third read	Second: Ridley
Discussion	Hayberger stated there are no changes since the second read.	
Passed	Roll call vote to pass Ordinance No. 058-13 on third read	
Yea- 7	Yea- Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer, Lankenau	
Nay- 0	Nay-	
Third Read Of Ordinance No. 059-13	President Helberg read by title Ordinance No. 059-13, an Ordinance Amending Chapter 197 of the City of Napoleon's Personnel Code Regarding Vacation Computation upon Retire/Rehire	
Motion To Pass On Third Read	Motion: Lankenau To pass Ordinance No. 059-13 on third read	Second: Ridley
Discussion	Hayberger stated there are no changes since the second read.	
Passed	Roll call vote to pass Resolution No. 059-13 on third read	
Yea- 7	Yea- Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer, Lankenau	

Behm

Behm would like to reappoint Robert McLimans to the Board of Zoning Appeals for a five (5) year term beginning January 1, 2014.

Motion To Reappoint Robert McLimans To The Board Of Zoning Appeals

Motion: Lankenau Second: McColley
To reappoint Robert McLimans to the Board of Zoning Appeals for a five (5) year term beginning January 1, 2014.

**Passed
Yea- 7
Nay- 0**

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

Behm stated he has received a complaint from a resident regarding the bumps on Oakwood Avenue; Bisher stated he would bring this to Staff's attention.

Helberg

Helberg asked for an update on the East Riverview Avenue, West Riverview Avenue, and Scott Street projects; Bisher replied that the paving on Scott Street was being finished and is within weeks of being open to traffic, and that both West and East Riverview Avenues are on schedule with West Riverview becoming a two lane road before January 1, 2014, and East Riverview being open to traffic before the holidays this year.

Helberg asked Marihugh if his concerns regarding the new Water Plant have been addressed; Marihugh asked if construction would begin before the assessment discussions took place; Heath stated that the County will be making the assessment decision regarding the Water Plant. Helberg added there is open communication between Council, the Henry County Regional Water/Sewer District, and the County with assistance from Heath and Hayberger.

Tassler

Tassler asked if the building demolition and parking lot project were being completed on time; Bisher stated the demolition is in process however the parking may not be completed until Spring.

Maassel

Maassel thanked Chief Weitzel for the range training, and thanked Matt Bilow for the tour of the WasteWater Treatment Plant.

Maassel asked if a dispatcher has been hired yet; Bisher stated the interviews have begun.

Ridley

Ridley asked the status of the storm damage; Bisher stated there were only individual outages that were handled quickly, no outages of large numbers of residents, adding that the efforts of the Electric Department in being proactive in tree trimming is helpful.

Ridley stated that the local business Ice Creations was featured on the ABC News for a positive story.

Heath

Heath stated he is reviewing Legislation regarding bringing forward the \$2,500,000 note renewal to the next Council meeting.

Motion To Go Into Executive Session To Discuss Pending

Motion: Ridley Second: McColley
To go into Executive Session to discuss Pending Litigation

RESOLUTION NO. 068-13

**A RESOLUTION AMENDING THE ALLOCATION OF FUNDS AS
FOUND IN SECTION 193.11 OF THE CODIFIED ORDINANCES
OF THE CITY OF NAPOLEON, OHIO**

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

Section 1. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2014, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 38% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2015 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 50% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 2. That, Section 193.11 of the codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Resolution, is repealed effective December 31, 2013 at 11:59 PM.

Section 3. 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 4. 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 5. That, this Resolution 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 Resolution No. 068-13 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. 069-13

**AN ORDINANCE ESTABLISHING THE APPROPRIATION MEASURE
(BUDGET) OF THE CITY OF NAPOLEON, OHIO FOR THE FISCAL
YEAR ENDING DECEMBER 31, 2014**

WHEREAS, Council desires to pass the annual appropriation measure of the City of Napoleon for the fiscal year ending December 31, 2014;

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, 2014.

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. 069-13 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

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET =====			2014 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
<u>100 GENERAL FUND</u>				
1100 City Council/Legislative	39,840	7,290	\$47,130	
1200 Mayor/Executive	16,250	1,060	\$17,310	
1300 City Manager/Administrative	209,640	11,290	\$220,930	
1370 City Manager/Human Resources	43,980	18,690	\$62,670	
1400 Law Director/Administrative	183,680	33,130	\$216,810	
1500 Finance/Administrative	375,370	111,970	\$487,340	
1520 Finance/Utility Billing	121,460	87,180	\$208,640	
1600 Information Systems/Administrative	106,330	43,900	\$150,230	
1700 Engineering/City Engineer	313,110	60,640	\$373,750	
1800 Municipal Court/Judicial	461,450	102,530	\$563,980	
1900 General Government/Miscellaneous	0	328,660	\$328,660	
2100 Police/Safety Services	1,678,550	225,050	\$1,903,600	
2200 Fire/Safety Services	887,120	176,000	\$1,063,120	
3100 Building Inspections/Zoning & Planning	107,170	21,910	\$129,080	
4700 Cemetery/Operations	85,480	27,110	\$112,590	
5130 Service/Buildings, Properties, Equipment	58,150	20,930	\$79,080	
9800 Reimbursements-Shared Expense	0	23,000	\$23,000	
9900 Transfer Accounts	0	236,450	\$236,450	
Total - 100 General Fund	\$4,687,580	\$1,536,790	\$6,224,370	\$6,224,370
<u>101 GENERAL FUND RESERVE BALANCE FUND</u>				
1900 General Government/Miscellaneous	\$0	\$45,400	\$45,400	\$45,400
<u>123 SPECIAL EVENTS FUND</u>				
1900 General Government/Miscellaneous	\$0	\$21,500	\$21,500	\$21,500
<u>130 ECONOMIC DEVELOPMENT FUND</u>				
3500 Economic Development	\$0	\$31,000	\$31,000	\$31,000
<u>147 UNCLAIMED MONIES FUND</u>				
9400 Unclaimed Monies Agency Accounts	\$0	\$1,000	\$1,000	
9900 Transfer Accounts	\$0	\$1,000	\$1,000	
Total - 147 Unclaimed Monies Fund	\$0	\$2,000	\$2,000	\$2,000
<u>170 MUNICIPAL INCOME TAX FUND</u>				
1510 Finance/Income Tax Collection	135,530	164,260	\$299,790	
9900 Transfer Accounts	0	3,200,210	\$3,200,210	
Total - 170 Municipal Income Tax Fund	\$135,530	\$3,364,470	\$3,500,000	\$3,500,000

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET ====			2014 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
180 KWH TAX (GF) COLLECTION FUND				
9800 Reimbursements-Shared Expense	0	199,150	\$199,150	
9900 Transfer Accounts	0	313,250	\$313,250	
Total - 180 kWH Tax (GF) Collection Fund	\$0	\$512,400	\$512,400	\$512,400
195 LAW LIBRARY FUND				
1800 Municipal Court/Judicial	0	12,500	\$12,500	
9900 Transfer Accounts	0	12,500	\$12,500	
Total - 195 Law Library Fund	\$0	\$25,000	\$25,000	\$25,000
200 STREET CONSTRUCTION, MAINTENANCE & REPAIR				
5100 Service/Streets Maintenance and Properties	232,840	183,650	\$416,490	
5110 Service/Ice and Snow Removal	32,000	30,000	\$62,000	
5120 Service/Storm Drainage	11,000	8,500	\$19,500	
Total - 200 Street (SCM&R) Fund	\$275,840	\$222,150	\$497,990	\$497,990
201 STATE HIGHWAY IMPROVEMENT FUND				
5100 Service/Streets Maintenance and Properties	\$0	\$41,400	\$41,400	\$41,400
202 MUNICIPAL (50%) MV LICENSE TAX FUND				
5100 Service/Streets Maintenance and Properties	\$0	\$35,000	\$35,000	\$35,000
203 MUNICIPAL (100%) MV LICENSE TAX FUND				
5100 Service/Streets Maintenance and Properties	0	20,000	\$20,000	
9900 Transfer Accounts	0	12,360	\$12,360	
Total - 203 Municipal 100% MV License Tax Fund	\$0	\$32,360	\$32,360	\$32,360
204 COUNTY MV LICENSE PERMISSIVE TAX FUND				
5100 Service/Streets Maintenance and Properties	\$0	\$54,000	\$54,000	\$54,000
210 EMS TRANSPORT SERVICE FUND				
2200 Fire/Safety Services	0	147,800	\$147,800	
9800 Reimbursements-Shared Expense	0	250,000	\$250,000	
9900 Transfer Accounts	0	26,000	\$26,000	
Total - 210 EMS Transport Service Fund	\$0	\$423,800	\$423,800	\$423,800

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET ====			2014 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
<u>220 RECREATION FUND</u>				
4100 Parks/Administrative	103,210	18,590	\$121,800	
4200 Recreation/Golf Operating	139,400	84,580	\$223,980	
4300 Recreation/Pool Operating	47,380	49,980	\$97,360	
4400 Recreation/Programs	230,670	142,590	\$373,260	
Total - 220 Recreation Fund	\$520,660	\$295,740	\$816,400	\$816,400
<u>227 NAPOLEON CEMETERY TRUST FUND</u>				
4700 Cemetery/Grounds	\$0	\$6,000	\$6,000	\$6,000
<u>231 ED DOWNTOWN REVITALIZATION GRANT FUND</u>				
3510 ED Downtown Revitalization	\$0	\$73,950	\$73,950	\$73,950
<u>240 HOTEL/MOTEL TAX FUND</u>				
3800 Travel and Tourism	\$0	\$38,000	\$38,000	
9900 Transfer Accounts	\$0	\$38,000	\$38,000	
Total - 240 Hotel Motel Tax Fund	\$0	\$76,000	\$76,000	\$76,000
<u>242 FIRE EQUIPMENT FUND</u>				
2200 Fire/Safety Services	\$0	\$452,500	\$452,500	\$452,500
<u>243 REFUND-FIRE LOSS FUND</u>				
1900 General Government/Miscellaneous	\$0	\$0	\$0	\$0
<u>260 CDBG, CHIS & CHIP GRANT FUND</u>				
3300 Contracts-Grt.Srv.-MVPLN	\$0	\$0	\$0	\$0
<u>261 CDBG PROGRAM INCOME FUND</u>				
3300 Contracts-Grt.Srv.-MVPLN	\$0	\$35,680	\$35,680	\$35,680
<u>270 INDIGENT DRIVERS ALCOHOL FUND</u>				
1800 Municipal Court/Judicial	\$0	\$25,000	\$25,000	\$25,000
<u>271 LAW ENFORCEMENT & EDUCATION FUND</u>				
2100 Police/Safety Services	\$3,000	\$2,700	\$5,700	\$5,700

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET ====			2014
	PERSONAL SERVICES	OTHER	TOTAL	FUND TOTAL
272 COURT COMPUTERIZATION FUND				
1800 Municipal Court/Judicial	\$0	\$10,700	\$10,700	
9800 Reimbursements-Shared Expense	\$0	\$10,000	\$10,000	
Total - 272 Court Computerization Fund	\$0	\$20,700	\$20,700	\$20,700
273 LAW ENFORCEMENT TRUST FUND				
2100 Police/Safety Services	\$0	\$1,500	\$1,500	\$1,500
274 MANDATORY DRUG FINE FUND				
2100 Police/Safety Services	\$3,000	\$750	\$3,750	\$3,750
275 MUNICIPAL PROBATION SERVICE FUND				
1800 Municipal Court/Judicial	\$3,310	\$12,000	\$15,310	\$15,310
277 PROBATION OFFICERS GRANT FUND				
1800 Municipal Court/Judicial (Various Years)	\$49,290	\$0	\$49,290	\$49,290
278 COURT SPECIAL PROJECTS FUND				
1800 Municipal Court/Judicial	\$0	\$67,750	\$67,750	\$67,750
279 HANDICAP PARKING FINE FUND				
1800 Municipal Court/Judicial	\$0	\$1,100	\$1,100	\$1,100
280 CERTIFIED POLICE TRAINING FUND				
1800 Municipal Court/Judicial	\$1,000	\$2,000	\$3,000	\$3,000
281 INDIGENT DRIVERS INTERLOCK AND ALCOHOL MO				
2100 Police/Safety Services	\$0	\$2,000	\$2,000	\$2,000
290 POLICE PENSION FUND				
2100 Police/Safety Services	\$86,530	\$0	\$86,530	\$86,530
291 FIRE PENSION FUND				
2200 Fire/Safety Services	\$43,260	\$0	\$43,260	\$43,260
295 IRS 125 BENEFITS PLAN FUND				
1900 General Government/Miscellaneous	\$0	\$63,880	\$63,880	\$63,880

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET ====			2014 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
300 GENERAL BOND RETIREMENT FUND				
8100 General Obligation Debt Services	\$0	\$70,930	\$70,930	\$70,930
	=====	=====	=====	
310 SA BOND RETIREMENT FUND				
8500 Special Assessment Debt Services	\$0	\$64,530	\$64,530	\$64,530
	=====	=====	=====	
400 CAPITAL IMPROVEMENT FUND				
1300 City Manager/Administrative	0	10,000	\$10,000	
1370 City Manager/Human Resources	0	2,000	\$2,000	
1400 Law Director/Administrative	0	2,000	\$2,000	
1500 Finance/Administrative	0	79,000	\$79,000	
1600 Information Systems/Administrative	0	20,000	\$20,000	
1700 Engineering/City Engineer	0	32,200	\$32,200	
1800 Municipal Court/Judicial	0	4,970	\$4,970	
2100 Police/Safety Services	0	79,000	\$79,000	
2200 Fire/Safety Services	0	20,000	\$20,000	
3100 Building Inspections/Zoning & Planning	0	0	\$0	
4200 Recreation/Golf Operating	0	15,000	\$15,000	
4300 Recreation/Pool Operating	0	5,000	\$5,000	
4400 Recreation/Programs	0	21,000	\$21,000	
4700 Cemetery/Grounds	0	9,000	\$9,000	
5100 Service/Streets Maintenance and Properties	0	996,000	\$996,000	
5200 Service/Garage Rotary	0	0	\$0	
9900 Transfer Accounts	0	173,700	\$173,700	
Total - 400 Capital Improvement Fund	\$0	\$1,468,870	\$1,468,870	\$1,468,870
	=====	=====	=====	
401 CIP FUNDING RESERVE FUND				
1900 General Government/Miscellaneous	\$0	\$0	\$0	\$0
	=====	=====	=====	
438 SCOTT STREET IMPROVEMENT PROJECT FUND				
5100 Service/Streets Maintenance and Properties	\$0	\$517,300	\$517,300	\$517,300
	=====	=====	=====	
500 ELECTRIC UTILITY REVENUE FUND				
1520 Finance/Utility Billing	0	21,100	\$21,100	
6110 Electric/Operations, Distribution System	1,209,120	1,528,820	\$2,737,940	
6111 Electric/Purchased Power	0	12,120,000	\$12,120,000	
9800 Reimbursement Accounts-Shared Expenses	0	818,330	\$818,330	
9900 Transfer Accounts	0	812,400	\$812,400	
Total - 500 Electric Utility Revenue Fund	\$1,209,120	\$15,300,650	\$16,509,770	\$16,509,770
	=====	=====	=====	
501 ELECTRIC UTILITY RESERVE FUND				
6110 Electric/Operations, Distribution System	\$0	\$0	\$0	\$0
	=====	=====	=====	

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET ====			2014 FUND TOTAL
	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	
502 ELECTRIC UTILITY REPLACEMENT & IMPROVEMENT FUND				
6110 Electric/Operations, Distribution System	\$0	\$0	\$0	\$0
	=====	=====	=====	
503 ELECTRIC DEVELOPMENT FUND				
6110 Electric/Operations, Distribution System	\$0	\$213,890	\$213,890	\$213,890
	=====	=====	=====	
510 WATER REVENUE FUND				
1520 Finance/Utility Billing	0	8,440	\$8,440	
6200 Water/Treatment Plant Operations	376,940	1,042,490	\$1,419,430	
6210 Water/Distribution System	400,360	187,070	\$587,430	
9800 Reimbursement Accounts-Shared Expenses	0	423,380	\$423,380	
9900 Transfer Accounts	0	603,030	\$603,030	
	-----	-----	-----	
Total - 510 Water Revenue Fund	\$777,300	\$2,264,410	\$3,041,710	\$3,041,710
	=====	=====	=====	
511 WATER DEPRECIATION RESERVE FUND				
6210 Water/Distribution System	\$0	167,000	\$167,000	\$167,000
	=====	=====	=====	
512 WATER DEBT RESERVE FUND				
8300 Revenue Funds Debt Services	\$0	207,300	\$207,300	\$207,300
	=====	=====	=====	
513 WATER OWDA BOND RETIREMENT FUND				
8300 Revenue Funds Debt Services	\$0	64,380	\$64,380	\$64,380
	=====	=====	=====	
519 WATER PLANT RENOVATION & IMPROVEMENT PROJECTS				
6200 Water/Treatment Plant Operations	\$0	2,608,520	\$2,608,520	\$2,608,520
	=====	=====	=====	
520 SEWER (WWT) UTILITY REVENUE FUND				
1520 Finance/Utility Billing	0	8,440	\$8,440	
6300 Sewer(WWT)/Treatment Plant Operations	396,330	1,098,740	\$1,495,070	
6310 Sewer(WWT)/Collection System	38,890	105,850	\$144,740	
6311 Sewer(WWT)/Cleaning, Imp. (SSO & CSO)	141,860	35,350	\$177,210	
9800 Reimbursement Accounts-Shared Expenses	0	466,180	\$466,180	
9900 Transfer Accounts	0	1,663,170	\$1,663,170	
	-----	-----	-----	
Total - 520 Sewer (WWT) Utility Revenue Fund	\$577,080	\$3,377,730	\$3,954,810	\$3,954,810
	=====	=====	=====	
521 SEWER (WWT) UTILITY REPLACEMENT & IMPROVEMENT FUND				
6300 Sewer(WWT)/Treatment Plant Operations	\$0	1,955,000	\$1,955,000	\$1,955,000
	=====	=====	=====	
522 SEWER (WWT) UTILITY RESERVE FUND				
8300 Revenue Funds Debt Services	\$0	455,040	\$455,040	\$455,040
	=====	=====	=====	

**2014 APPROPRIATION BUDGET - ORIGINAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<u>ORDINANCE No. 069-13, Passed 12/02/2013</u> Original Approved - 2014 Appropriation Budget	==== 2014 ORIGINAL APPROVED BUDGET ====			2014 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
523 OWDA SA DEBT RETIREMENT FUND				
8600 Special Assessment Debt Services (OWDA)	\$0	108,690	\$108,690	\$108,690
=====				
560 SANITATION (REFUSE) REVENUE FUND				
1520 Finance/Utility Billing	0	4,220	\$4,220	
6400 Sanitation(Refuse)/Collection and Disposal	158,190	167,250	\$325,440	
6410 Sanitation(Refuse)/SRS-Seasonal Pickup Program	1,200	57,650	\$58,850	
6411 Sanitation(Refuse)/SRS-Yard Waste Site	1,200	84,800	\$86,000	
6412 Sanitation(Refuse)/SRS-Mosquito Control	0	38,310	\$38,310	
6420 Sanitation(Refuse)/Recycling Programs	71,040	66,750	\$137,790	
9800 Reimbursement Accounts-Shared Expenses	0	143,280	\$143,280	
9900 Transfer Accounts	0	40,000	\$40,000	
Total - 560 Sanitation(Refuse) Revenue Fund	\$231,630	\$602,260	\$833,890	\$833,890
=====				
561 SANITATION (REFUSE) DEPRECIATION RESERVE FU				
6400 Sanitation(Refuse)/Collection and Disposal	\$0	18,000	\$18,000	\$18,000
=====				
580 METER DEPOSITS (ELECTRIC & WATER) FUND				
6500 Meter Deposits/Unapplied Cash	\$0	30,000	\$30,000	\$30,000
=====				
600 CENTRAL GARAGE/FUEL ROTARY FUND				
5200 Service/Central Garage	150,000	94,140	\$244,140	
5600 Service/Fuel Purchase Rotary	0	85,000	\$85,000	
Total - 600 Central Garage/Fuel Rotary Fund	\$150,000	\$179,140	\$329,140	\$329,140
=====				
* GRAND TOTAL - ALL FUNDS	\$8,754,130	\$37,160,160	\$45,914,290	\$45,914,290
=====				

RESOLUTION NO. 070-13

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 2014, 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 2014 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. 070-13 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

EXHIBIT-A ATTACHMENT TO RESOLUTION No. 070-13

2014 APPROPRIATION BUDGET - TRANSFER OF FUNDS

RESOLUTION No. 070-13, Passed 12/02/2013

ORIGINAL BUDGET - 2014 TRANSFER OF FUNDS

= TRANSFER AMOUNTS =

FUND NAME, FROM - TO, PURPOSE

FROM

TO

FROM: 100 GENERAL FUND	\$0	
TO: 101 GENERAL RESERVE BALANCE FUND		\$0
Purpose: Transfers to a General Fund Reserve Balance Fund as directed by City Council.		
FROM: 100 GENERAL FUND	\$0	
TO: 220 RECREATION FUND		\$0
Purpose: Subsidize Recreation Programs due to insufficient funds from Income Tax Levy.		
FROM: 100 GENERAL FUND	\$11,500	
TO: 123 SPECIAL EVENTS FUND		\$11,500
Purpose: Subsidize Fall Festival and other events as sponsored through the Chamber of Commerce.		
FROM: 100 GENERAL FUND	\$10,000	
TO: 123 SPECIAL EVENTS FUND		\$10,000
Purpose: Subsidize City Promotions through the Chamber of Commerce or Directly.		
FROM: 100 GENERAL FUND	\$26,960	
TO: 130 ECONOMIC DEVELOPMENT FUND		\$26,960
Purpose: Subsidize the Economic Development Fund programs due to insufficient funds from the ED F		
FROM: 100 GENERAL FUND	\$1,800	
TO: 295 IRS 125 EMPLOYEE FRINGE BENEFITS FUND		\$1,800
Purpose: Subsidize Administrative Expenditures of Employee 125 Flexible Spending Benefits Fund.		
FROM: 100 GENERAL FUND	\$186,190	
TO: 600 CENTRAL ROTARY CHARGES FUND		\$186,190
Purpose: Subsidize Operating Expenditures of Central Garage Rotary Charges Fund.		
FROM: 147 UNCLAIMED MONIES FUND	\$1,000	
TO: 100 GENERAL FUND		\$1,000
Purpose: Payment of Unclaimed Funds back to the 100 General Fund.		
FROM: 170 MUNICIPAL INCOME TAX FUND	\$1,694,780	
TO: 100 GENERAL FUND		\$1,694,780
Purpose: Net Transfer (62%) of Income Tax Receipts to 100 General Fund.		
FROM: 170 MUNICIPAL INCOME TAX FUND	\$466,700	
TO: 220 RECREATION FUND		\$466,700
Purpose: Transfer of Income Tax Levy Receipts to 220 Recreation Fund.		

EXHIBIT-A ATTACHMENT TO RESOLUTION No. 070-13

2014 APPROPRIATION BUDGET - TRANSFER OF FUNDS

RESOLUTION No. 070-13, Passed 12/02/2013

ORIGINAL BUDGET - 2014 TRANSFER OF FUNDS

= TRANSFER AMOUNTS =

FUND NAME, FROM - TO, PURPOSE

FROM

TO

FROM: 170 MUNICIPAL INCOME TAX FUND	\$1,038,730	
TO: 400 CAPITAL IMPROVEMENT FUND		\$1,038,730
Purpose: Net Transfer (38%) of Income Tax Receipts to 400 CIP Fund.		
FROM: 180 KWH TAX COLLECTION (GF) FUND	\$313,250	
TO: 100 GENERAL FUND		\$313,250
Purpose: Transfer of Net Balance of KWH Tax Funds into the General Fund.		
FROM: 195 LAW LIBRARY FUND	\$12,500	
TO: 100 GENERAL FUND		\$12,500
Purpose: Transfer of City Share for Highway Patrol Fine Monies per ORC.		
FROM: 203 MUNICIPAL MV LIC. TAX FUND	\$12,360	
TO: 310 SA BOND RETIREMENT FUND		\$12,360
Purpose: Debt on State Issue II Zero Interest Loan on Hobson/Reynolds Project.		
FROM: 210 EMS TRANSPORT SERVICE FUND	\$26,000	
TO: 242 FIRE EQUIPMENT FUND		\$26,000
Purpose: City Share of Township Contract (80% of \$90,000/ Yearly) for a Total of \$72,000, Funded \$26,000 from 210 Fund & \$46,000 from 400 Fund.		
FROM: 240 HOTEL-MOTEL TAX FUND	\$38,000	
TO: 100 GENERAL FUND		\$38,000
Purpose: City's Net Share of Total Collections (50%) on a 6% Rate, per Ordinance to 100 General Fund		
FROM: 400 CAPITAL IMPROVEMENT FUND	\$0	
TO: 276 LAW ENFORCEMENT BLOCK GRANT FUND		\$0
Purpose: City Share of Grant Funding.		
FROM: 400 CAPITAL IMPROVEMENT FUND	\$52,700	
TO: 300 GENERAL BOND RETIREMENT FUND		\$52,700
Purpose: Retirement of General Bond Obligation Debt.		
FROM: 400 CAPITAL IMPROVEMENT FUND	\$46,000	
TO: 242 FIRE EQUIPMENT FUND		\$46,000
Purpose: City Share of Township Contract (80% of \$90,000/ Yearly) for a Total of \$72,000, Funded \$26,000 from 210 Fund & \$46,000 from 400 Fund.		
FROM: 400 CAPITAL IMPROVEMENT FUND	\$75,000	
TO: 401 CIP FUNDING RESERVE FUND		\$75,000
Purpose: Funding Reserves for Current and Future Capital Purchases.		

EXHIBIT-A ATTACHMENT TO RESOLUTION No. 070-13

2014 APPROPRIATION BUDGET - TRANSFER OF FUNDS

RESOLUTION No. 070-13, Passed 12/02/2013

ORIGINAL BUDGET - 2014 TRANSFER OF FUNDS

= TRANSFER AMOUNTS =

FUND NAME, FROM - TO, PURPOSE

FROM

TO

FROM: 500 ELECTRIC REVENUE FUND	\$512,400	
TO: 180 KWH TAX COLLECTION (GF) FUND		\$512,400
Purpose: Transfer to 180 kWH (GF Equivalent) Tax Fund, 100 General Fund share of kWH Tax.		
FROM: 500 ELECTRIC REVENUE FUND	\$300,000	
TO: 503 ELECTRIC DEVELOPMENT FUND		\$300,000
Purpose: Funding Reserves for Current and Future Capital Purchases.		
FROM: 510 WATER REVENUE FUND	\$318,640	
TO: 511 WATER DEPR. FUND		\$318,640
Purpose: Funding Reserves for Current and Future Capital Purchases.		
FROM: 510 WATER REVENUE FUND	\$207,320	
TO: 512 WATER DEBT RESERVE FUND		\$207,320
Purpose: Funding for Debt Payments on Water Projects.		
FROM: 510 WATER REVENUE FUND	\$64,130	
TO: 513 WATER OWDA BOND RETIREMENT FUND		\$64,130
Purpose: Funding for OWDA Debt Payments on Water Projects.		
FROM: 510 WATER REVENUE FUND	\$12,940	
TO: 519 WATER PLANT RENOVATION & IMPRMNT. FUND		\$12,940
Purpose: Funding for Debt Service on New Water Plant Fund.		
FROM: 514 WATER TOWER PAINTING & IMP.FUND	\$0	
TO: 510 WATER REVENUE FUND		\$0
Purpose: Return Advanced Funding to Fund of Origination.		
FROM: 520 SEWER (WWT) REVENUE FUND	\$93,780	
TO: 523 OWDA SA BOND RETIREMENT FUND		\$93,780
Purpose: Funding for OWDA Debt Payments on Sewer Projects.		
FROM: 520 SEWER (WWT) REVENUE FUND	\$0	
TO: 438 SCOTT STREET IMPROVEMENT PROJECT FUND		\$0
Purpose: City Share of Street Improvement Project Grant.		
FROM: 520 SEWER (WWT) REVENUE FUND	\$1,205,000	
TO: 521 SEWER REPLACEMENT & IMP. FUND		\$1,205,000
Purpose: Funding Reserves for Current and Future Capital Purchases.		

EXHIBIT-A ATTACHMENT TO RESOLUTION No. 070-13

2014 APPROPRIATION BUDGET - TRANSFER OF FUNDS

RESOLUTION No. 070-13, Passed 12/02/2013

ORIGINAL BUDGET - 2014 TRANSFER OF FUNDS

= TRANSFER AMOUNTS =

FUND NAME, FROM - TO, PURPOSE

FROM

TO

FROM: 520 SEWER (WWT) REVENUE FUND
TO: 522 SEWER UTILITY RESERVE FUND
Purpose: Funding for Capital and Debt Payments.

\$364,390

\$364,390

FROM: 560 SANITATION REVENUE FUND
TO: 561 SANITATION DEPRECIATION RES. FUND
Purpose: Funding Reserves for Current and Future Capital Purchases.

\$40,000

\$40,000

TOTALS - FROM

7,132,070

TOTALS - TO

7,132,070

=====

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ORDINANCE NO. 071-13

AN ORDINANCE REPEALING ORDINANCE NO. 012-13 AND ESTABLISHING NEW PER PERSON USER FEES FOR EMS BASIC LIFE SUPPORT, ADVANCED LIFE SUPPORT LEVEL 1 SERVICE, AND ADVANCED LIFE SUPPORT LEVEL 2 SERVICE, MILEAGE CHARGE, MUTUAL AID, MEDICAID, NURSING HOME SERVICE AND NON EMERGENCY TRANSPORT SERVICE AS IT RELATES TO CORONER CASES; ALL PROVIDED BY THE CITY OF NAPOLEON RESCUE; AND DECLARING AN EMERGENCY

WHEREAS, emergency run activity and particularly emergency medical rescue service run activity is increasing each year; and,

WHEREAS, the City continues to investigate different methods to maintain the level of quality of emergency services at a reasonable cost; and,

WHEREAS, the City Council desires to implement a fair and equitable user fee which includes a moderate increase from that previously authorized instead of imposing additional taxes in order to operate the rescue service; Now Therefore,

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

Section 1. That, the Napoleon City Fire/Rescue Department, (hereinafter referred to as "the City") shall initiate a new user fee for delivery of emergency medical rescue services rendered by the City within its corporation limits or outside the corporation limits when no contract exists and when not otherwise prohibited by law. The rate of the user fee to be charged shall be that as established in §3 of this Ordinance. Nothing in this Section shall be construed as limiting the authority of the City to charge additional amounts for services and supplies provided that are over and above the base rate services in accordance with a separate fee schedule as approved by motion of Council.

Section 2. That, emergency medical rescue services rendered by the City as a result of utilization of a primary contract or an existing mutual aid contract with another state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state, shall be billed for emergency medical rescue services pursuant to the terms of such contract. Where the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state receives emergency medical rescue services without a contract, then such services shall be billed pursuant to Ohio law or, in the event Ohio law does not apply, such state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state that received the mutual aid shall only be billed an amount not to exceed its established user fee, if any; however, except as may otherwise be provided by Ohio law, when no contract exists, the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state served shall only be responsible for payment to the extent it collects from the end user.

Section 3. That, it is hereby authorized and approved as reasonable and necessary, the following rates for emergency medical rescue services when services are rendered by the City to any person within the corporation limits or to any person outside the corporation limits when not otherwise prohibited by law:

Base Rate per person (user fee) - Basic Life Support (BLS) (emergency and non-emergency) - \$534.71; Advanced Life Support Level 1 (ALS 1) (emergency and non-emergency) - \$822.13; Advanced Life Support Level 2 (ALS 2) (emergency and non-emergency) - \$1,144.32

Loaded Mile charge of \$13.68 (per loaded mile), in addition to user fees. (Rounding of mileage shall be in accordance with Medicare Regulations)

Section 4. Definitions as described in this Ordinance:

"Advanced Life support, level 1 (ALS1)" (emergency and non-emergency): as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

"Advance Life support, level 2 (ALS2)"(emergency or non-emergency): as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

"Basic Life Support (BLS)" (emergency and non-emergency): as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

"Emergency Medical Rescue Services" means: the providing of Basic Life Support (BLS)(emergency and non-emergency); Advanced Life support, level 1 (ALS1) (emergency and non-emergency); and/or, Advance Life support, level 2 (ALS2)(emergency or non-emergency).

"Loaded Mile" means: mileage traveled from the point of loading the person in the ambulance or other ground transport vehicle and ending with the transport at the point of delivery to the medical facility or landing zone.

Section 5. That, the Finance Director and/or City Manager are authorized and directed to contract with a billing and collection agency, as he deems appropriate, subject to approval by motion of Council, for collection of user fees as a result of emergency medical rescue services being provided by the City.

Section 6. That, any bills that remain unpaid after following collection guidelines as approved by the Finance Director, shall be reviewed annually by the Finance Director and City Manager to determine if further collection efforts are feasible and in the best interest of the City. The decision to reduce or abate an account or to pursue further collection efforts is in the sole combined discretion of the two above mentioned persons. As it relates solely to Medicare claims, the City will accept the Medicare allowed charge as payment in full and may not bill or collect from the patient any amount other than the unmet Part B deductible and Part B coinsurance amounts. As it relates solely to Medicaid claims, the City will accept the Medicaid allowed charge as payment in full. For emergency medical rescue services and ambulance transport being provided by the City to patients in "nursing home" facilities, otherwise covered under Medicaid, the City will accept the minimum payment of \$90.00 for BLS services and \$170.00 for ALS 1 and ALS 2 services, both inclusive of loaded mile, from the facility as full and final payment for the medical rescue services and ambulance transport.

Section 7. That, there is hereby established a fee for non-medical transports as it relates to Coroner ordered transports of \$100.00, inclusive of loaded mile.

Section 8. That, all amounts collected as a result of this Ordinance shall be placed into such a fund as established by the Finance Director to be used for the fire and rescue department.

Section 9. That, the City Finance Director and/or City Manager may enter into contracts with insurance companies and other entities responsible for patient payment for emergency medical services rendered to accept discounted amounts.

Section 10. That, in the event that Medicare or Medicaid Regulations, as applicable, conflict with any provision contained in this Ordinance, then the Medicare and or Medicaid Regulations, as applicable, shall control.

Section 11. That, any services provided from March 1, 2000 to the effective billing date of this Ordinance for which a fee has been or should have been billed pursuant to Ordinance Numbers 53-01, 035-05, 092-06, 034-08, 098-08,033-10, 013-12, and 012-13 shall not be abated, but shall remain as a valid collectable debt owed to the City, unless otherwise discharged in accordance with law.

Section 12. That, Ordinance No. 012-13 is repealed in its entirety effective at 12:01 AM on April 1, 2014.

Section 13. 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 14. 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 15. 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 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 April 1, 2014.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald 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. 071-13 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. 072-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER SYSTEM BY CONSTRUCTING A NEW WATER TREATMENT PLANT, ACQUIRING AND IMPROVING RELATED INTERESTS IN REAL PROPERTY, IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, AND REHABILITATING THE ELEVATED STORAGE TANKS, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 005-13 passed on February 4, 2013, notes in anticipation of bonds in the aggregate amount of \$2,500,000, dated March 7, 2013 (the “*Outstanding Notes*”), were issued for the purpose stated in Section 1, to mature on March 6, 2014; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least thirty (30) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is March 7, 2033;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Napoleon, Henry County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$2,500,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately March 1, 2015, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any

fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2015.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,500,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “Certificate of Award”) as the amount which, along with other available funds of the City, is necessary to retire the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; *provided* that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City’s paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the “Paying Agent”).

Section 5. The Notes shall be signed by the City Manager and Finance Director, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall also be countersigned by the Mayor; *provided* that the signature of the Mayor may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Finance Director) and with numbers as requested by the original purchaser and approved by the Finance Director. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and maintained in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Finance Director in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other

actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 12. The Finance Director is authorized to request a rating for the Notes from Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Service, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Sanders (US) LLP are hereby retained in connection with the authorization, issuance and sale of the Notes. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any

reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Sudsina & Associates, LLC are hereby retained in connection with the authorization, issuance and sale of the Notes. Those services shall be in the nature of financial advice and recommendations in connection with the sale and issuance of the Notes. For those services that financial advisor shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law.

Passed: January ____, 2014

John A. Helberg, Council President

Approved: January ____, 2014

Ronald Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk of Council

I, Gregory J. Heath, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. ____-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the ____ day of January, 2014; and 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 of Council

CERTIFICATION OF RECORDS

I, Gregory J. Heath, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number ____-13, passed January ____, 2014.

Gregory J. Heath, Clerk of Council

Date

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

To the City Council of the City of Napoleon, Ohio:

As fiscal officer of the City of Napoleon, Ohio, and supplementing the fiscal officer's certificate of February 4, 2013, I certify in connection with your proposed issue of notes in the maximum principal amount of \$2,500,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is at least thirty (30) years, being my estimate of the life or period of usefulness of that Improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is March 7, 2033.

Dated: December ____, 2013

Finance Director
City of Napoleon, Ohio

RESOLUTION NO. 073-13

A RESOLUTION ADOPTING THE “PLAN AMENDMENT” TO THE CITY’S REIMBURSEMENT SERVICES AGREEMENT WITH WAGeworks INC. AND AUTHORIZING THE CITY MANAGER OR THE FINANCE DIRECTOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EXECUTE SAID AMENDMENT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon offers flexible spending accounts (FSA) to its employees; and,

WHEREAS, previously the IRS had determined that any leftover balance in a Flexible Spending Account would be forfeited at the end of the plan year (minus a few exceptions ie “grace period”), this was known as the “Use It Or Lose It” rule and;

WHEREAS, the IRS has recently made changes to the Internal Revenue Code (IRC) Section 125 (i), as amended by the Internal Revenue Service (IRS) Notice 2013-17, which allows for the balance of up to Five Hundred Dollars (\$500.00) of unused FSA contributions to be carried over to the next year’s plan; and

WHEREAS, City of Napoleon now desires to amend its current plan to adopt the “Plan Amendment” which allows for the carryover of Five Hundred Dollars (\$500.00) of unused FSA contributions to be carried over to the next years plan, **Now Therefore**,

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

Section 1. That, the City of Napoleon does adopt the “Plan Amendment,” which allows for the carryover of Five Hundred Dollars (\$500.00) of unused FSA contributions to be carried over to the next year’s plan.

Section 2. That, the City Manager and/or the City Finance Director is authorized to execute any and all documents necessary to adopt the “Plan Amendment.”

Section 3. 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 4. 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 5. 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 so that the amendment will be available for the 2013 plan, which would effect the 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. 073-13 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. 067-13

AN ORDINANCE AMENDING SECTION 931.07 INCREASING WATER RATES FOR THE YEARS 2014, 2015 AND 2016; AND DECLARING AN EMERGENCY

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee of Council in a regular council meeting held on November 11, 2013, reviewed the existing water rates and determined a rate increase over a three year period for 2014, 2015 and 2016 is necessary in order to keep the water utility fund sound; Now Therefore,

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

Section 1. That, Section 931.07 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

“931.07 WATER RATES.

The water rates charged by the City shall be as follows except as may otherwise be permitted by rule:

- (a) A City approved water meter shall be utilized for determining use of water.
- (b) The following rates are established and shall be charged to all classes of water users, until otherwise changed.

~~(1) For the remaining billing cycles of the year 2011, to be reflected through the last billing in January of the year 2012, except for direct sales as established in subsection (b)(1)C. hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(2) hereof. The commodity charge shall be computed as follows:~~

- ~~A. Cubic feet of water used inside the corporation:
100-25,000 CF \$3.91 per 100 cubic feet, when
25,000 is reached, then,
25,000 and up CF \$2.24 per 100 cubic feet.~~
- ~~B. Cubic feet of water used outside the corporation:*~~
~~100-25,000 CF \$5.87 per 100 cubic feet, when
25,000 is reached, then,
25,000 and up CF \$3.34 per 100 cubic feet.~~
- ~~C. Direct sales at the plant: \$7.71 per 1,000 gallons.~~

~~(2) In addition, there shall be a capacity charge (base charge) per service as follows:~~

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02

E. 3.00 and up	353.14	529.68
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~~(3) Effective with the first billing cycle in the year 2012, to be reflected in the first billing in February of the year 2012, except for direct sales as established in subsection (b)(3)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(4) hereof. The commodity charge shall be computed as follows:~~

- ~~A. Units of water used inside the corporation:
Units: 1 up to 10 = \$4.44 each unit, then
Units: 11 up to 250 = \$4.28 each unit, then
Units: Over 250 = \$2.90 each unit.~~

~~————— Note: One Unit of Water is defined as 100 cubic feet.~~

- ~~B. Units of water used outside the corporation:*~~
Units: 1 up to 10 = \$6.66 each unit, then
Units: 11 up to 250 = \$6.42 each unit, then
Units: Over 250 = \$4.35 each unit.

~~Note: One Unit of Water is defined as 100 cubic feet.~~

- ~~C. Direct sales at the plant: \$7.71 per 1,000 gallons.~~

~~(4) In addition, there shall be a capacity charge (base charge) per service as follows:~~

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	500.00	750.00
G. 6.00	800.00	1,200.00
H. 8.00	1,200.00	1,800.00
i. 10.00 AND UP	1,500.00	2,250.00

~~(5)(I)~~ Effective with the first billing cycle in the year 2013, to be reflected in the first billing in February of the year 2013, except for direct sales as established in subsection (b)(5)(I)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(6)(2) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the corporation:
Units: 1 up to 10 = \$4.75 each unit, then

Units: 11 up to 250 = \$4.50 each unit, then
 Units: Over 250 = \$3.30 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- B. Units of water used outside the corporation:*
- Units: 1 up to 10 = \$7.13 each unit, then
 Units: 11 up to 250 = \$6.75 each unit, then
 Units: Over 250 = \$4.95 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$7.71 per 1,000 gallons.

~~(6)~~(2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
i. 10.00 AND UP	2,000.00	3,000.00

(3) EFFECTIVE WITH THE FIRST BILLING CYCLE IN THE YEAR 2014, TO BE REFLECTED IN THE FIRST BILLING IN FEBRUARY OF THE YEAR 2014, EXCEPT FOR DIRECT SALES AS ESTABLISHED IN SUBSECTION (b)(3)C HEREOF, THE NET RATE PER MONTH PER SERVICE SHALL BE THE SUM OF THE COMMODITY CHARGE PLUS THE CAPACITY CHARGE SET FORTH IN SUBSECTION (b)(4) HEREOF. THE COMMODITY CHARGE SHALL BE COMPUTED AS FOLLOWS:

- A. UNITS OF WATER USED INSIDE THE CORPORATION:
 UNITS: 1 UP TO 10 = \$4.90 EACH UNIT, THEN
 UNITS: 11 UP TO 250 = \$4.65 EACH UNIT, THEN
 UNITS: OVER 250 = \$3.45 EACH UNIT.**

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

- B. UNITS OF WATER USED OUTSIDE THE CORPORATION:***
**UNITS: 1 UP TO 10 = \$7.35 EACH UNIT, THEN
 UNITS: 11 UP TO 250 = \$6.98 EACH UNIT, THEN
 UNITS: OVER 250 = \$5.18 EACH UNIT.**

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

- C. DIRECT SALES AT THE PLANT: \$7.71 PER 1,000 GALLONS.**

(4) IN ADDITION, THERE SHALL BE A CAPACITY CHARGE (BASE CHARGE) PER SERVICE AS FOLLOWS:

CAPACITY OF SERVICE (METER SIZE IN INCHES)	CAPACITY CHARGE (INSIDE CORPORATION)	CAPACITY CHARGE (OUTSIDE CORPORATION)*
A. 1.00 AND LESS	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 AND UP	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 AND UP	2,000.00	3,000.00

(5) EFFECTIVE WITH THE FIRST BILLING CYCLE IN THE YEAR 2015, TO BE REFLECTED IN THE FIRST BILLING IN FEBRUARY OF THE YEAR 2015, EXCEPT FOR DIRECT SALES AS ESTABLISHED IN SUBSECTION (b)(5)C HEREOF, THE NET RATE PER MONTH PER SERVICE SHALL BE THE SUM OF THE COMMODITY CHARGE PLUS THE CAPACITY CHARGE SET FORTH IN SUBSECTION (b)(6) HEREOF. THE COMMODITY CHARGE SHALL BE COMPUTED AS FOLLOWS:

**A. UNITS OF WATER USED INSIDE THE CORPORATION:
UNITS: 1 UP TO 10 = \$5.05 EACH UNIT, THEN
UNITS: 11 UP TO 250 = \$4.80 EACH UNIT, THEN
UNITS: OVER 250 = \$3.60 EACH UNIT.**

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

**B. UNITS OF WATER USED OUTSIDE THE CORPORATION: *
UNITS: 1 UP TO 10 = \$7.58 EACH UNIT, THEN
UNITS: 11 UP TO 250 = \$7.20 EACH UNIT, THEN
UNITS: OVER 250 = \$5.40 EACH UNIT.**

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

C. DIRECT SALES AT THE PLANT: \$7.71 PER 1,000 GALLONS.

(6) IN ADDITION, THERE SHALL BE A CAPACITY CHARGE (BASE CHARGE) PER SERVICE AS FOLLOWS:

CAPACITY OF SERVICE (METER SIZE IN INCHES)	CAPACITY CHARGE (INSIDE CORPORATION)	CAPACITY CHARGE (OUTSIDE CORPORATION)*
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A. 1.00 AND LESS	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 AND UP	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 AND UP	2,000.00	3,000.00

(7) EFFECTIVE WITH THE FIRST BILLING CYCLE IN THE YEAR 2016, TO BE REFLECTED IN THE FIRST BILLING IN FEBRUARY OF THE YEAR 2016, EXCEPT FOR DIRECT SALES AS ESTABLISHED IN SUBSECTION (b)(7)C HEREOF, THE NET RATE PER MONTH PER SERVICE SHALL BE THE SUM OF THE COMMODITY CHARGE PLUS THE CAPACITY CHARGE SET FORTH IN SUBSECTION (b)(8) HEREOF. THE COMMODITY CHARGE SHALL BE COMPUTED AS FOLLOWS:

**A. UNITS OF WATER USED INSIDE THE CORPORATION:
UNITS: 1 UP TO 10 = \$5.20 EACH UNIT, THEN
UNITS: 11 UP TO 250 = \$4.95 EACH UNIT, THEN
UNITS: OVER 250 = \$3.75 EACH UNIT.**

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

**B. UNITS OF WATER USED OUTSIDE THE CORPORATION: *
UNITS: 1 UP TO 10 = \$7.80 EACH UNIT, THEN
UNITS: 11 UP TO 250 = \$7.43 EACH UNIT, THEN
UNITS: OVER 250 = \$5.63 EACH UNIT.**

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

C. DIRECT SALES AT THE PLANT: \$7.71 PER 1,000 GALLONS.

(8) IN ADDITION, THERE SHALL BE A CAPACITY CHARGE (BASE CHARGE) PER SERVICE AS FOLLOWS:

CAPACITY OF SERVICE (METER SIZE IN INCHES)	CAPACITY CHARGE (INSIDE CORPORATION)	CAPACITY CHARGE (OUTSIDE CORPORATION)*
A. 1.00 AND LESS	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02

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 R. 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. 067-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 0676-13 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. 061-13

A RESOLUTION PLACING AN ISSUE FOR ADVISORY ELECTION ON THE BALLOT AT THE MAY 6TH, 2014 GENERAL ELECTION SEEKING THE AUTHORIZATION OF THE VOTERS OF THE CITY OF NAPOLEON TO CEASE OPERATING ITS POLICE, FIRE AND EMS DISPATCH AS IT CURRENTLY OPERATES AND OUTSOURCE SAID OPERATIONS TO THE HENRY COUNTY SHERIFF

WHEREAS, after a process that began over a year earlier involving City Staff, City Council, the State Auditor, and members of the community the decision to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said operations to the Henry County Sheriff has reached an impasse; and

WHEREAS, this matter is additionally complicated by the fact that due to conflicts of interest two of the seven current members of City Council are prohibited from voting on this decision; and

WHEREAS, in order for City Council to be able to successfully complete negotiations for said services with the Henry County Sheriff, the Council needs to know that the community supports such action; and

WHEREAS, in order to give direction and stability to city staff the Council needs to know that the community supports or does not support such action;

WHEREAS, the City of Napoleon is a municipal corporation operating under a Charter form of government, which grants all powers, general, special, governmental or proprietary that may be now or hereafter lawfully possessed or exercised by municipal corporations under the constitution and general laws of the State of Ohio; and

WHEREAS, for the foregoing reasons, the Council for the City of Napoleon, Ohio seeks to place an issue on the ballot for the May 6th, 2014 General Election, whereby the voters of the City of Napoleon, Ohio may vote on the issue of whether to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said operations to the Henry County Sheriff; and

WHEREAS, Section 3 of Article XVIII of the Ohio Constitution grants authority to Ohio municipalities to call such elections on such matters of local concern; **Now Therefore,**

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

Section 1. For the reasons set forth above, the Council for the City of Napoleon finds, determines, and declares that the question seeking authorization to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said

operations to the Henry County Sheriff shall be submitted to the voters of the City of Napoleon for an advisory election at the general election to be held on May 6th, 2014, and said election shall be held at the regular places of voting in said City as established by the Board of Elections of Henry County, Ohio or otherwise, within the time, place, or manner provided by law and shall be conducted, canvassed and certified in the manner provided by law .

Section 2. That, the Board of Elections of Henry County, Ohio, place upon the ballot at the May 6th, 2014 General Election the following Advisory Election (or in substantially the same form):

Issue #
Advisory Election for the City of Napoleon
Dispatch Operation
(A majority affirmative vote is necessary for passage)

“Shall the City of Napoleon cease operating its Police, Fire and EMS dispatch as it currently operates and outsource said operations to the Henry County Sheriff?”

YES

NO

Section 3. The Clerk of Council for the City of Napoleon is hereby authorized and directed to forward a certified copy of this resolution to the Board of Elections of Henry County on or before February 5th, 2014.

Section 4. That the Board of Elections for Henry County is hereby requested to cause notice of said election to be given as provided by law and otherwise to provide for such election in the manner provided by law.

Section 5. There is hereby appropriated from the General Fund a sufficient sum of money to pay expenses related to the aforesaid election.

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. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force

and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 8. 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 9. That, this Resolution 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. 061-13 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

City of Napoleon, Ohio

TECHNOLOGY & COMMUNICATION COMMITTEE

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

Meeting Agenda

Monday, December 2, 2013 at 8:00 PM

- I. Approval of Minutes from April 1 (*In the Absence of any Objections or Corrections, the Minutes Shall Stand Approved*)
- II. Making the City Website More Easily Navigatable
- III. Any Other Matters Currently Assigned To Committee

Gregory J. Heath, Clerk/Finance Director

City of Napoleon, Ohio
Technology & Communication Committee

Meeting Minutes

Monday, April 1, 2013 at 8:00 PM

PRESENT

**Members
City Staff**

Jason Maassel - Chair, Christopher Ridley, Patrick McColley (Pro-Tem)
Robert Bennett, Fire Chief
Dr. Jon A. Bisher, City Manager
Marty Crossland, Asst. Engineer
Trevor Hayberger, Law Director
Gregory J. Heath, Finance Director/Clerk of Council
Dan Wachtman, MIS Administrator
Robert Weitzel, Police Chief
Barbara Nelson
News Media

**Recorder
Others**

ABSENT

Jim Hershberger

Call To Order

Chairman Maassel called the meeting to order at 8:00 PM.

Minutes Approved

Minutes from the March 4, 2013, meeting stand approved as presented.

Motion To Untable

Motion: Ridley Second: McColley
To remove *Review of Possible Additional IT Position* from the table

**Passed
Yea-3
Nay-0**

Roll call vote on above motion:
Yea – Ridley, Maassel, McColley
Nay-

**Possible Additional
IT Position**

Bisher said the committee asked Dan Wachtman, MIS Administrator, to make a list (attached) of contracts/contractors he uses. He did this building by building, including the software they run. Ridley asked what we can scale down on if we add a person. Wachtman said the contracts include contract maintenance. He budgets for Sonit and Vince's TV for professional services at \$32,000 per year. We use them now as needed to get major jobs done. We may be able to spend that amount and get someone four days per week instead of three days per month.

Ridley said there are people out there in the \$30,000-\$35,000 range full-time in the IT field. Wachtman said that would not include full-time benefits, which add another 30% or about \$10,000 per year. He is not looking for full-time. Instead of paying \$100 per hour for Sonit, he can get a part-time person for four or five hours for that same amount. One day of Sonit costs \$800. He tries not to call them until he has something specific for a project. He could use someone on a daily basis to get things done. Maassel said that means we would switch from being reactive to proactive. Wachtman said Vince's TV is \$40 per hour and helps with things like getting machines put in. Ridley asked if Wachtman can get a part-time person at \$20 per hour. Wachtman said he hopes to get someone part-time for \$15-\$20 per hour.

McColley asked Wachtman if he will retire soon. Wachtman said he would like to, but

he also likes working. Maassel said we need someone who has a good working knowledge of the system when Dan takes a day off. Wachtman would like to take a vacation and have someone who can take over. Vince's TV and Sonit can do it, but they aren't as knowledgeable as they need to be.

Heath said his department is computer dependent. We rarely have in-house application development anymore in terms of major software. We pay for this through software maintenance agreements. The numerous daily issues we run into are related to hardware and keeping up with updates. Whenever we make a jump to the next biggest and best thing, he hopes whoever is hired has the ability to maintain the web so machines can communicate to the network. He does not have time to maintain the machines like he did when he started here. We have evolved past that.

Ridley asked if we can get a part-time person for this. Wachtman said he envisions someone part-time at 36 hours per week. Bisher said part-time will be no more than 30 hours/week next year. Heath said a younger person will move on. This city will be a stepping stone. They would have no incentive to stay without full-time benefits. McColley said Commissioner Miller has been working on this issue at the county. McColley doesn't see this being a 4 day /week job. Ridley said he oversees a tech department. Fifty people and 3 buildings in different locations is enough for 1-1/2 IT people. The big thing is if people can't access the internet or their computer won't power up. The more computers you have the more problems you have.

McColley doesn't believe an IT person is needed more than 2 days/week. Bisher asked if Council wants a part-time or full-time person. If someone is part-time and leaves, he will get someone else. The county had no interest in collaboration for the HR position or for an IT position. McColley said the county has more interest in this than personnel. Bisher said we need this person and the documentation shows that. Wachtman has to deal with this on a daily basis.

Wachtman said people that want part-time work have contacted him through word of mouth. Bisher said 30 hours is Wachtman's preference and there is money in the budget for it. Maassel said if we get a good part-time person, they could eventually become a full-time person. Bisher said many people work for the City part-time to get their foot in the door. Our policy is if we have a good part-time person who is qualified and we anticipate a full-time position opening up, we always go in-house first. The advantage is that we already know the person's work habits.

Ridley asked if some of the money used for Sonit and Vince's TV will be used to pay this person. Wachtman said, "Most of it." Bisher said there will have to be a budget adjustment. Ridley said they did that at his company and didn't have to use the contractor. McColley asked what Sonit and Vince's TV would still have to do. Wachtman said he will only call them for issues that are above him (putting up a terminal server, firewall programming problems, etc.) McColley said Council would like to see how much we paid Sonit & Vince's TV when we do next year's budget.

**Motion To Hire A
Part-Time IT Person**

Motion: Ridley Second: McColley
To recommend hiring a part-time additional IT person

**Passed
Yea-3**

Roll call vote on motion to hire a part-time IT person:
Yea- Ridley, Maassel, McColley

Nay-0

Upgrades to City Website

Nay-

Maassel said Stow, Ohio has an interesting website. It has a link for companies that may want to do business in the City. Wachtman said he hasn't had an opportunity to talk to Rob McColley (CIC Director) about this. Maassel said the Chamber of Commerce might want a link on our website. Wachtman said he initially thought the Chamber and the CIC would have a website that the City could link to, but if they don't take the initiative, we have to.

McColley said Westerville's website is great. Maassel asked how expensive it would be to make our website similar to these websites. Wachtman said it depends on whether you want to work with what we have or redesign the whole website. Heath noted that both cities mentioned are much larger and more affluent than Napoleon. McColley said he would like to go in that direction and keep the same structure.

Wachtman said he has money set aside, but he needs direction and the time to do it. He needs a dedicated person who can take the information and put it in before it gets stale. Heath said this has to become a part of the workflow. The person who does the recreation schedule should be allowed access to update the website for recreation. Wachtman said you can train 7 or 8 people, but if they don't do it often, they forget.

Wachtman asked the Committee to give him an outline of what they want to see. Bisher said a lot of features have been added to the website in the last 12 months including police reports, council packets, and other things that save time. There are 4 or 5 people in MIS in Westerville and Stow is probably the same. Maassel suggested that the Chamber and CIC help pay for the website. Heath said they operate from our money. Wachtman said we tried this once before. It works better when we call them for information. Bisher said if it is in-house, we have control of it.

McColley acknowledged that a lot has been done with the website. Bisher said the website can be incorporated into the job description for the position. Ridley said there has been progress, but it is still hard to find things on the website. Wachtman wants an idea of what is needed. McColley said a new person may look at the website and see it clearer. Wachtman said if people email him, he can take the ideas for staffing. Forms are nice, but we need one step beyond, which is to pay for it. Bisher said having the form online is helpful. He filled out an online form for his doctor, printed it, and took it to his appointment to save time.

Heath said the website could be the initial focus of the new person if that is what Council recommends. Maassel said it would be a great way for the person to learn the City. Bisher said he can send the person to various departments and see what each one wants. McColley asked if bids are put online. Wachtman said they can be. Bisher said we don't because people have to pay \$25 when they pick up the packet. McColley said it could be free if it is online.

Wachtman said this person can communicate with the web people and focus on the website. He has a budget for website maintenance and a company to call for it. Bisher said a checklist like the one on the Stow website can be the first focus for this person. McColley said the major legwork won't be on the computer. Bisher said the new person can talk to businesses and see what problems they have with our website.

Maassel said this agenda item can be reported out as no recommendation.

Motion To Adjourn

Motion: Ridley Second: McColley
To adjourn the meeting at 8:39 PM

Passed

Yea-3

Nay-0

Roll call vote on above motion:
Yea- Ridley, Maassel, McColley
Nay-

Date Approved:

Jason Maassel, Chair

DRAFT

Lights for Lives

From: "Robert Weitzel" <rweitzel@napoleonohio.com>

11/26/13 07:51 PM

To: "Brian Koeller" <briank@northwestsignal.net>, "Bethanie Rayle" <rayle@crescent-news.com>, "Dave Kleck" <davekleck@clearchannel.com>

We are participating in the Lights for Lives campaign in conjunction with the Ohio State Patrol and many other agencies. A press release can be found on the Napoleon Ohio web site. Log in as a guest and go to press releases.

<http://www.napoleonohio.com/reports-and-forms/accident-reports/>

Chief Robert L Weitzel
Napoleon City Police
PO Box 151
310 Glenwood Ave
Napoleon, Ohio 43545
419-599-2810
rweitzel@napoleonohio.com

Fw: Ohio Municipal League Legislative Bulletin

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

11/25/13 11:52 AM

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

From: "Ohio Municipal League" <kscarrett@omloho.org>
To: gheath@napoleonohio.com
Date: 11/25/2013 11:31 AM
Subject: Ohio Municipal League Legislative Bulletin

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Ohio Municipal League
Our Cities and Villages ★ Bringing Ohio to Life

Legislative Bulletin

Ohio Municipal League

November 25, 2013

OHIO SENATE ASSIGNS Sub.HB5 TO FINANCE COMMITTEE

The Ohio Senate took a first step in addressing sub.HB5 by assigning the bill last week to the Senate Committee where the bill will be heard. We had expected the bill would be assigned to the Senate Ways and Means Committee, where tax related legislation typically is assigned but instead the bill was referred to the Senate Finance Committee. The Senate Finance committee, which usually is assigned legislation that includes spending appropriations is made up of 13 members, 9 Republicans and 4 Democrats, and is chaired by Sen. Scott Oelslager (R-N. Canton), vice chair Sen. Bill Coley (R-Liberty Twp.) and consists of republican Senators Dave Burke (R-Marysville), Randy Gardner (R-Bowling Green), Jim Hughes (R-Columbus), Shannon Jones (R-Springboro), Frank LaRose (R-Copley), Tom Patton (R-Strongsville) and Bob Peterson (R-Washington Court House). The democrat members of the committee are led by ranking minority member Sen. Tom Sawyer (D-Akron), and include Sens. Joe Schiavano (D-Boardman), Shirley Smith (D-Cleveland), and Charleta Tavares (D-Columbus).

There also was a change in whom the Senate has designated as "point person" to shepherd sub.HB5 through the Senate. Now that the bill has been received by the Ohio Senate and assigned to the Senate Finance Committee, Sen. Bob Peterson (serving the 17th Ohio Senate district including Clinton, Gallia, Fayette, Highland, Jackson, Pike, Ross and parts of Lawrence, Pickaway, and Vinton counties) who sits on the Finance committee has been designated as the Senate manager for sub.HB5. Sen. Peterson, who previous to his service in the Ohio legislature was a Fayette County Commissioner, also chairs the Senate Tax Reform Study Committee currently reviewing state tax policies.

Since the legislature is largely taking this week off for Thanksgiving, Senate Finance is not meeting but we expect the committee will hold at least one hearing on the bill when the General Assembly returns the first and second weeks of December and before they recesses for the holiday season through the end of the year. We will keep our members updated on any new information as it develops but in the meantime, please reach-out to your member of the Ohio Senate and share with them any concerns you and your municipality may have towards the legislation and issue overall. If

your community has not already done so, it is important for Senators to be aware of Resolutions your community may have passed expressing the concerns the city or village leadership has for this harmful proposal. If your community has not drafted a Resolution opposing this misdirected, budget reducing legislation lately, we encourage you to consider doing so. An analysis of sub.HB5 can be found [HERE](#) while sample Resolutions can be found on our website at www.omloho.org.

VARIOUS MUNICIPAL BILLS RECEIVING COMMITTEE ATTENTION LAST WEEK

There were a number of bills of municipal interest that the League is following and working on closely which received hearings last week in various legislative committees. Below is a brief synopsis of some the legislation that was heard in committee and the activity that took place regarding each:

- Senate Ways and Means Committee Chairman Senator Tim Schaffer (R-Coshocton) introduced SB 208, a bill dealing with nonresident municipal taxpayers. Specifically, the legislation which has been introduced by the Senator in previous General Assemblies, would require Ohio's cities with general revenues greater than \$100 million per year to offer a 10% credit on income tax paid by nonresident workers. During Sponsor's testimony last Tuesday, Sen. Schaffer said his bill would help ease fiscal difficulties in smaller suburban municipalities when large metropolitan cities assess full income tax on commuters' incomes and would address the issue of "double taxation". The bill has been assigned to the Senate Ways and Means Committee. We will keep our members alerted to future hearings on this bill.
- The Senate State Government and Oversight Committee members were at work again last week on two different approaches to addressing concerns raised by some with the use of electronic traffic monitoring devices by Ohio's local governments. The Senate committee on Tuesday heard Sponsor's testimony from Sen. Tom Patton (R-Strongsville) on his recently introduced SB 196, a proposal which sets out to prohibit the use of traffic law photo-monitoring devices by municipal corporations to detect signal light violations unless the municipal corporation is authorized to establish a mayor's court. Sen. Patton said during the first hearing that the bill would apply to only six communities that were affected by last session's bill to ban mayors' courts in municipalities with fewer than 200 people or is the site of a municipal court. There was no indication by the committee chair on when the next hearing would be on the bill.
- Also on Tuesday, the same Senate State Government and Oversight Committee held a second hearing on HB 69, legislation introduced by Rep. Ron Maag (R-Loveland) that was recently passed by the Ohio House of Representatives, prohibiting the use of traffic photo-monitoring devices by municipal corporations, counties, townships, and the State Highway Patrol to detect traffic signal light and speed limit violations. The hearing, designated for proponent testimony only, included four witnesses that presented their concerns for the current system used by municipalities specifically and shared with committee members why they feel communities should be prevented from using these types of electronic monitoring systems.
- The House State and Local Government Committee continues to work on HB 289, legislation introduced by Rep. Kirk Schuring (R-Canton) which would require subdivisions to obtain written approval from 100% of owners and lessees of real property located within a proposed or existing joint economic development zone (JEDZ) or joint economic development district (JEDD) before approving, amending, or renewing the JEDZ/JEDD contract, to require that income tax revenue derived from a JEDZ or JEDD be used to carry out the agreements economic development plan before being used for other purposes, and to institute contiguity requirements for which subdivisions may create a JEDZ or JEDD. During the hearing a substitute bill was offered and discussed. Rep. Schuring said the substitute bill would remove or alter numerous provisions in the introduced version that municipalities had expressed concern with including the change in a provision that would require a simple majority of businesses and property owners for a JEDD or JEDZ to go forward rather than 100% participation. It is expected that more work will take place on the language with the sponsor and interested parties while the committee continues to study the substitute version.

- HB 203, legislation introduced by Rep. Terry Johnson (R-McDermott) that makes various changes to the state's statutes dealing with handgun licenses, was passed by the House Policy and Legislative Oversight Committee Tuesday and then passed by the House of Representatives Wednesday afternoon by a vote of 62-27, where the bill was then sent to the Ohio Senate. The league offered written testimony to committee members expressing our concern for language in the current version of the bill dealing with a proposed daily fine on municipalities that lose a challenge to an existing municipal handgun ordinance along with other concerns in the bill. The league feels the newly imposed daily fine will only punish taxpayers and makes no effort to distinguish between an ordinance that exists in good faith and one that exists in bad faith. Additionally, our concern is that some municipal councils can't meet each week and may revise local codes on an as needed basis, opening the door to predatory lawsuits filed by lawyers who will strategically choose their filing dates and who are specifically looking to maximize the harm to a community. The League recommends against a fine. The League also objects to language in the current version of the bill that provides attorney's fees for those that wage successful challenges to gun-related ordinances which only give rise to the same type of predatory lawsuits that we are familiar with in the public records area. The Ohio Senate will now consider the best course of legislative action and has yet to assign HB 203 to a Senate committee.

The Ohio House and Senate will be back in action next week, trying as best as they can to clear out bills working their way through the legislative process, and to prepare for the upcoming 2014 legislative schedule that is sure to include more time back in home districts and less time spent at the Ohio Statehouse. When visiting with your Statehouse delegation members over the holidays, be sure to let them know of your concern for your city or village's budget and the importance of the state and its local partners continuing to work together to preserve services citizens and businesses depend on every day. On Friday, we will send out to our members the committee schedule for the week of December 2nd.

Have a safe and Happy Thanksgiving!

[Ohio Municipal League](#)

Legislative Inquires: [Edward Albright, Director of Legislative Affairs](#)
[Kent Scarrett, Director of Communications](#)
[Josh Brown, Legislative Advocate](#)

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Ohio Municipal League | 175 S. Third Street, Suite 510 | Columbus | OH | 43215

Fw: Special Legislative Bulletin

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

11/27/13 11:27 AM

For Council Packets

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

From: "Ohio Municipal League" <kscarrett@omlOhio.org>
To: gheath@napoleonohio.com
Date: 11/27/2013 11:24 AM
Subject: Special Legislative Bulletin



Ohio Municipal League

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Ohio Municipal League Announcement

SPECIAL LEGISLATIVE BULLETIN

ANNEXATION ALERT

HB.277 (Stautberg) is this sessions attempt to render the Type II annexation procedure far less useful. Last session a similar piece of legislation was introduced but only passed after dealing with a tax issue and not any of the annexation procedures. A 3rd hearing for all testimony (proponent, opponent and interested party) is scheduled for Tuesday December 3, 2013 at 2:00 p.m. in the House State and Local Government Committee in Room 121.

It is extremely important that municipal officials appear in opposition. Please note that all witnesses are asked to submit 30 copies of written testimony, 24 hours in advance.

INNOVATION GRANTS

The Local Government Efficiency Program is the newest initiative to be launched under the Local Government Innovation Fund. The Local Government Efficiency Program was officially launched last Monday in Cleveland. The new program will award grants of up to \$100,000 to political subdivisions, or scholarships to employees of political subdivisions, for training in and implementation of process efficiency programs such as Lean, Kaizen and Six Sigma. The Fund is now comprised of two distinct programs that encourage the planning and implementation of process efficiency, collaboration, shared services and other efforts that improve service delivery for constituents across the state:

The **Local Government Innovation Program**, which will award up to \$50,000 in grant funds per feasibility study, up to \$100,000 in loan assistance per entity for demonstration projects and up to \$500,000 in loan assistance for collaborative demonstration projects

The [Local Government Efficiency Program](#), which will award grants of up to \$100,000 to political subdivisions, or scholarships to employees of political subdivisions, for training in and implementation of process efficiency programs such as Lean, Kaizen and Six Sigma.

The application round for both of these programs is now open and available on the website ([HERE](#)). All application materials (link to obtain a username and password, the application site and detailed instructions) can be found under Application Materials on the left side of the page. All applications are due to the Office of Redevelopment by 5:00 p.m. on Monday, December 9th, 2013.

Please be aware that beginning with this round all LGIF program applications are now available online. If you are interested in applying for a LGIF program or if you would like to review the applications, you will need to request a Username and Password before accessing the applications.

***Please contact Nicole Bent in the Office of Redevelopment at lgif@development.ohio.gov or 614-995-2292 with any questions.**

**PRELIMINARY COMMITTEE SCHEDULE FOR THE WEEK OF
DECEMBER 1, 2013**

Tuesday, December 3, 2013

HOUSE TRANSPORTATION, PUBLIC SAFETY AND HOMELAND
SECURITY

Rep. Damschroder: 614-466-
1374

Tue., Dec. 3, 2013, 1:30 PM, Hearing Room 122

MOTOR VEHICLE OPERATORS-HIGHWAY MAINTENANCE VEHICLE (PATTON T) To require SB137 motor vehicle operators to take certain actions upon approaching a highway maintenance vehicle.

Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HOUSE STATE AND LOCAL GOVERNMENT

Rep. Blair: 614-466-6504

Tue., Dec. 3, 2013, 2:00 PM, Hearing Room 121

HB277 STATE-POLITICAL SUBDIVISION ANNEXATIONS (STAUTBERG P) To require that the state or a political subdivision real estate owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation, unless the real estate is a road or road right-of-way.

Third Hearing, All Testimony

HB4 LOCAL GOVERNMENT PERFORMANCE MEASUREMENT GRANT PROGRAM (STAUTBERG P, BLESSING III L) To establish the Local Government Performance Measurement Grant Program.

Third Hearing, All Testimony, AMENDMENTS/SUBSTITUTE BILL

HB289 JOINT ECONOMIC DEVELOPMENT ZONE-DISTRICT (SCHURING K) To require subdivisions to obtain written approval from owners and lessees of real property located within a proposed or existing joint economic development zone (JEDZ) or joint economic development district (JEDD) before approving, amending, or renewing the JEDZ or JEDD contract.
Fourth Hearing, All Testimony

SENATE FINANCE

Sen. Oelslager: 614-466-0626

Tue., Dec. 3, 2013, 2:30 PM, Senate Finance Hearing Room

HB311 TAX-RELATED LAW (BOOSE T, RETHERFORD W) To correct and modify recent amendments to tax-related law, to lengthen the maximum term of a property tax levy for the purpose of zoological parks operated or supported by a county, and to declare an emergency.
First Hearing, Sponsor/All Testimony, PENDING REFERRAL

HOUSE FINANCIAL INSTITUTIONS, HOUSING AND URBAN DEVELOPMENT Rep. Adams: 614-466-8114

Tue., Dec. 3, 2013, 3:30 PM, Hearing Room 017

HB223 RESIDENTIAL FORECLOSURE ACTIONS (GROSSMAN C, CURTIN M) To expedite the foreclosure and transfer of unoccupied, blighted parcels and certain abandoned properties and to make other changes relative to residential foreclosure actions.
Third Hearing, Opponent Testimony

Wednesday, December 4, 2013

SENATE FINANCE

Sen. Oelslager: 614-466-0626

Wed., Dec. 4, 2013, 8:30 AM, Senate Finance Hearing Room

HB311 TAX-RELATED LAW (BOOSE T, RETHERFORD W) To correct and modify recent amendments to tax-related law, to lengthen the maximum term of a property tax levy for the purpose of zoological parks operated or supported by a county, and to declare an emergency.
Second Hearing, All Testimony, PENDING REFERRAL/POSSIBLE VOTE

HOUSE WAYS AND MEANS

Rep. Beck: 614-644-6027

Wed., Dec. 4, 2013, 3:00 PM, Hearing Room 116

HB24 TAX EXPENDITURE REVIEW COMMITTEE (BOOSE T) To create a Tax Expenditure Review Committee for the purpose of periodically reviewing existing and proposed tax expenditures.
Third Hearing, Opponent/Interested Party Testimony

GREEN FLEETS LOAN GUARANTEE PROGRAM (BUTLER, JR. J) To create the Green Fleets Loan Guarantee Program to guarantee the repayment of loans made to governmental entities and

HB335 private businesses to fund the conversion of all or a portion of their fleet vehicles to run on natural gas fuel.

Second Hearing, Proponent Testimony

CONTRIBUTIONS-ECONOMIC DEVELOPMENT PROJECTS (BUTLER, JR. J) To authorize tax
HB219 credits for contributions of money to economic and infrastructure development projects undertaken by local governments and nonprofit corporations.

Third Hearing, Proponent & Opponent Testimony

HOUSE JUDICIARY

Rep. Butler, Jr.: 614-644-6008

Wed., Dec. 4, 2013, 4:00 PM, Hearing Room 121

HB162 PERS OFFENSES (DOVILLA M, ANIELSKI M) To add extortion and perjury and certain federal offenses to the offenses committed by a public retirement system member that may result in forfeiture of retirement system benefits or the termination of retirement system disability benefits.

Third Hearing, All Testimony, SUBSTITUTE BILL

PLEASE CHECK OUR WEBSITE MONDAY MORNING FOR OUR FINAL COMMITTEE SCHEDULE

Ohio Municipal League
175 S. Third Street, Suite 510
Columbus, Ohio 43215

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