

RESOLUTION NO. 081-10

**A RESOLUTION ESTABLISHING AND/OR ADJUSTING THE
COMPENSATION OF FUTURE COUNCIL MEMBERS AND THE
MAYOR OF THE CITY OF NAPOLEON, OHIO**

WHEREAS, it is the intent of this Council to adjust the salaries of future Council persons and Mayor commencing with the year 2012 term of office; however, to be accomplished in a manner not to be construed as barring future Council's from making further adjustments as it deems necessary relating to increases or decreases in compensation or benefits; and,

WHEREAS, it is the intent of this Council to lower the automatic increases for the City's Council Members and Mayor as was previously established pursuant to Ordinance No. 161-96. Now therefore,

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

Section 1. That, commencing January 1, 2012, being the first day of the new term of office for Council Members in and for the City of Napoleon, Ohio, each person so elected for the new term shall receive an annual salary of \$4,663.26, with an automatic one and one-half (1 ½%) percent annual increase, said salary to be paid in equal amounts on a monthly basis. The compensation as established herein, with the automatic increases as established in this Section, shall be continued for each future term of office for the position of Council Member until lawfully changed by Council.

← * Current

Section 2. That, elected or appointed Council members of the City of Napoleon, Ohio, currently serving upon the effective date of this Ordinance, or Council members later appointed to serve an unexpired term of said elected or appointed Council members, shall continue to receive as compensation, an annual salary of \$4,438.56, with an automatic annual increase of two and one-half (2 ½%) percent as was established in Ordinance No. 161-96, until completion of said term, to be paid in equal amounts on a monthly or semi annual basis.

← * Prior

Section 3. That, commencing January 1, 2012, being the first day of the new term of office for Mayor of the City of Napoleon, Ohio, the Mayor so elected for the new term shall receive an annual salary of \$13,314.25, with an automatic one and one half (1 ½%) percent annual increase, to be paid in equal amounts on a monthly basis. The compensation as established herein, with the automatic increases as established in this Section, shall be continued for each future term of office as Mayor until lawfully changed by Council.

← * Current

Section 4. That, the elected or appointed Mayor of Napoleon, Ohio, currently serving upon the effective date of this Ordinance, or persons later appointed to serve an unexpired term of said elected or appointed Mayor, shall continue to receive as compensation, an annual salary of \$12,672.70, with an automatic annual increase of two and one-half (2 ½%) percent as was established in Ordinance No. 161-96, until completion of said term to be paid in equal amounts on a biweekly basis.

← * Prior

Section 5. That, the compensation as established in this Ordinance of Council members and Mayor shall be paid pro-rata according to time served in the position.

Section 6. Persons elected or appointed to the respective office of Council or Mayor in and for the City of Napoleon, Ohio, effective with the term commencing January 1, 2012, and each term thereafter, shall be entitled, while serving, to unlimited personal use of City provided internet service upon the payment of a flat monthly fee to the City in an amount as determined by the City's Finance Director, to be one-half the average cost of service, so long as such internet service is available. Said amount shall remain consistent through the end of a term of office. The elected or appointed Council Member or Mayor shall be responsible for any tax liability.

Section 7. That, this Council, pursuant to Article X, Section 10.03(C), finds that this Ordinance is in conformance with Article II, Section 2.05; and, Article III, Section 3.03 of the Napoleon City Charter.

Section 8. That, Ordinance No. 161-96 is repealed. Repealing of said Ordinance 161-96 shall not be construed eliminating the compensation amounts for elected City officials as was established in accordance with the City Charter, as said amounts have been restated in this Ordinance.

Section 9. 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.

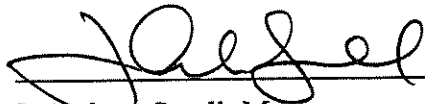
Section 10. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 11. That, this Resolution shall take effect at the earliest time permitted by law.

Passed: November 15, 2010


Glenn A. Miller, Council President

Approved: 15NOV10


J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea Nay Abstain

Attest: 

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 081-10 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. 161-96

AN ORDINANCE INCREASING AND ANNUALLY ADJUSTING THE COMPENSATION OF COUNCIL PERSONS OF THE CITY OF NAPOLEON, OHIO COMMENCING WITH THE FULL FOUR (4) YEAR COUNCIL TERM OF OFFICE BEGINNING JANUARY 1, 1998 WITH AN EQUALIZATION PROVISION IN THE YEAR 2000; MAINTAINING CURRENT COMPENSATION FOR THOSE IN OFFICE AS COUNCIL PERSONS AND MAYOR; INCREASING AND ANNUALLY ADJUSTING THE COMPENSATION OF THE MAYOR COMMENCING JANUARY 1, 2000; AND REPEALING ORDINANCE NO. 12-91 & ORDINANCE NO. 13-91 (PREVIOUS ORDINANCES THAT ESTABLISHED SALARY)

WHEREAS, it is the intent of this Council to adjust the salaries of future Council persons and Mayor commencing in the years 1998 and 2000; and to provide for automatic annual increases in all subsequent years and terms without the necessity of further legislation; however, to be accomplished in a manner not to be construed as barring future Councils from making any further adjustments as it deems necessary relating to increases or decreases in compensation or benefits; and,

WHEREAS, it is Council's intent to make all Council positions equal in compensation;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO WITH TWO THIRDS (2/3) OR MORE OF ITS MEMBERS THERETO CONCURRING:

Section 1. That, commencing January 1, 1998, Council persons, in and for the City of Napoleon, Ohio, except for those Council persons elected to Council for the term prior to January 1, 1998, or appointed thereto to fill an unexpired term of those Council persons who were elected for a term prior to January 1, 1998, shall receive as compensation a salary of three thousand three hundred (\$3,300.00) dollars per year, with such position receiving a two and one-half (2-1/2%) percent per year increase thereafter (so as to be in conformance with Section 3 of this Ordinance), to be paid in equal amounts on a semi-annual basis.

Section 2. That, those Council persons, in and for the City of Napoleon, Ohio who were elected thereto for the term prior to January 1, 1998, or appointed and serving thereto to fill an unexpired term of those Council persons who were elected for a term prior to January 1, 1998, shall continue to receive as compensation a salary of three thousand (\$3,000.00) dollars per year, to be paid in equal amounts on a semi-annual basis until that current term expires, being December 31, 1999;

Section 3. That, in an effort to make all Council persons equal in pay, commencing January 1, 2000, the position of Council person, in and for the City of Napoleon, Ohio, shall receive as compensation a salary of three thousand four hundred sixty-seven (\$3,467.06) dollars and six cents per year, with such position receiving a two and one-half (2-1/2%) percent per year increase thereafter, to be paid in equal amounts on a semi-annual basis.

Section 4. That upon the effective date of this Ordinance, the position of Mayor, in and for the City of Napoleon, Ohio, shall continue to receive as compensation a salary of nine thousand (\$9,000.00) dollars per year, to be paid in equal amounts on a bi-weekly basis.

Section 5. That, commencing January 1, 2000, the position of Mayor, in and for the City of Napoleon, Ohio, shall receive as compensation a salary of nine thousand and nine hundred dollars (\$9,900.00) per year, with such position receiving a two and one-half (2-1/2%) percent per year increase thereafter, to be paid in equal amounts on a bi-weekly basis.

Section 6. That the compensation of Council persons and Mayor shall be paid pro-rata according to time served in the position.

Section 7. That this Council, pursuant to Article VIII, Section 8.03 finds that this Ordinance is in conformance with Article II, Section 2.05 and Article IV, Section 4.03 of the Napoleon City Charter.

Section 8. 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 City's Revised Code of General Ordinances.

Section 9. 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 10. That upon the effective date of this Ordinance, Ordinance No. 12-91, passed February 4, 1991 and Ordinance No. 13-91, passed, February 4, 1991 are repealed.



Section 11. That upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: 12/30/96

Michael J. DeWit
Michael J. DeWit, Council President

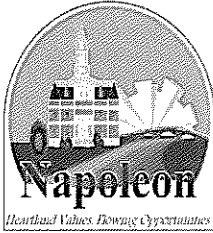
Approved: 12/30/96

Donald M. Stange
Donald M. Stange, Mayor

VOTE ON PASSAGE 6 Yea — Nay — Abstain

Attest:

Gregory J. Heath
Gregory J. Heath, Clerk/Finance Director



CITY OF NAPOLEON, OHIO

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

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

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DATE: October 1, 2012

TO: Members of City Council
Ronald A. Behm, Mayor
Dr. Jon A. Bisher, City Manager
Trevor M. Hayberger, City Law Director
Mary Thomas, Senior Account Clerk (Payroll)

FROM: Gregory J. Heath, Finance Director/Clerk of Council *GJH*

SUBJECT: Council Compensation – Pay Frequency and Other Issues

On the Monday, September 17, 2012, Council Agenda, Council discussed an item under Good of the City, Discussion/Action: Review of Compensation Ordinance for City Council. This item covered Ordinance No. 081-10, passed 11/15/2010. It was tabled for additional information.

I am providing the following information for your review and consideration:

- Council Members and the Mayor elected and taking office on January 1, 2012, have been paid to date based on the incorrect frequency of the prior Council and Mayor. In the case of Council Members they have been setup and paid to date on a semi-annual basis, the Mayor on a biweekly basis, both have been paid the correct dollar amounts for the frequency used. However, according to Ordinance No. 081-10, these individuals should have been paid in equal amounts on a monthly basis. Starting in October 2012, the pay frequency shall be adjusted to match the language of equal amounts on a monthly basis.
- Council Members elected and/or appointed to a position that took office on January 1, 2010, are permitted to be paid on a monthly or a semi-annual basis. Currently, all of these Council Members are receiving their pay on a semi-annual basis. Unless otherwise requested by these individuals, the City will continue to pay these persons on a semi-annual basis.
- As directed by Council, the Law Director is reviewing if changes to pay frequency, without changes to actual pay, can be made and not violate State Law regarding compensation of Elected Officials.
- Finally, for your information and consideration, the recent changes to the PERS laws passed by the Ohio Legislature, and signed by the Governor, will go into effect in early 2013. As part of this bill, the monthly minimum earnings to receive one (1) year full service credit in the PERS retirement system has been increased to \$600/Month, or \$7,200 Annually. Amounts below the \$600 will be pro-rated based on actual monthly pay. Currently, City Council Members are paid \$4,663.26 Annually, or only \$388.61/Month, falling below new \$600 full service credit threshold. If Council wants to consider raising the paid compensation to meet this minimum standard for future elected City Council Members that will take office on January 1, 2014, Council will need to take action this year and have it effective before January 1, 2013.

Please let me know if you have any questions.