

# NOVEMBER 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			11:00 am Bid Opening/Recycling			
5	6	7	8	9	10	11
	7:00 pm - Council				8:00 am Joint Special Mtg. City Council and Finance & Budget Comm.	8:00 am Joint Special Mtg. City Council and Finance & Budget Comm.
12	13	14	15	16	17	18
	6:30 pm - Electric Committee & BOPA	10:00 am Healthcare Cost Committee				
	7:00 pm – Municipal Properties ED Comm.	11:30am Privacy Comm.				
		4:00 pm-Civil Service				
19	20	21	22	23	24	25
	7:00 pm-City Council			Thanksgiving Day OFFICES CLOSED		
	7:30 pm – Special Joint Meeting City Council and Finance & Budget Comm.					
26	27	28	29	30		
	6:30 pm – Finance & Budget Committee		6:30 pm Park & Rec Board			
	7:30 pm – Safety & Human Resources					

## CITY COUNCIL

### MEETING AGENDA

**Monday, November 20, 2017 at 7:00 pm**

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

**A. Attendance** *(Noted by the Clerk)*

**B. Prayer and Pledge of Allegiance**

**C. Approval of Minutes** *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. November 06, 2017 Regular City Council Meeting Minutes
2. November 10, 2017 Special City Council Meeting Minutes
3. November 11, 2017 Special City Council Meeting Minutes

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Electric Committee** met on November 13, 2017; and
  - a. Approved the November 2017 PSCAF.
  - b. Was updated on the status of the Transmission Operator.
  - c. Removed the agenda item *Electric Vehicle Rebate*.
2. **Water and Sewer Committee** did not meet on October 23, 2017 due to lack of agenda items.
3. **Municipal Properties, Building, Land Use & Economic Development Committee** met on November 13, 2017; and
  - a. Heard an update on the progress of the Downtown Improvements Project and re-tabled this agenda item.
  - b. Tabled Discussion on Flowerpots vs. Guardrail in the City Parking Lot.
4. **Parks & Recreation Committee** did not meet tonight due to lack of agenda items.
5. **Ad-hoc Committee on Strategic Vision and Organizational Health** did not meet earlier tonight

**F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*

1. **Board of Public Affairs** met on November 13, 2017.
2. **Healthcare Cost Committee** met on November 14, 2017; and
  - a. Discussed Wellness Program.
3. **Civil Service Commission** met on November 14, 2017; and
  - a. Approved Waiving Rule 15 in Section 195 this one-time and to advertise and hire a full time Police Officer.
  - b. Set Civil Service Testing Date for Police Officer: January 13, 2018 at 8:00 am
  - c. Set a Special Meeting for Monday, December 18, 2017 at 4:00 pm to approve applicants for Police Officer Civil Service Testing.
4. **Privacy Committee** did not meet on November 14, 2017 due to a lack of quorum.
5. **Board of Zoning Appeals** did not meet due to lack of agenda items.
6. **Planning Commission** did not meet due to lack of agenda items.
7. **Tree Commission** did not meet tonight due to lack of agenda items.

**G. Introduction of New Ordinances and Resolutions**

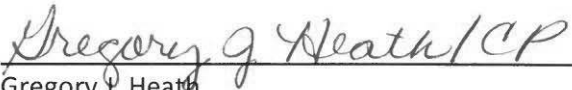
1. **Ordinance No. 072-17**, an Ordinance Amending the City of Napoleon, Ohio Municipal Income Tax Code for the Purpose of Adhering to the Changes Outlined in House Bill 49; and Declaring an Emergency.

**H. Second Readings of Ordinances and Resolutions**

1. **Ordinance No. 067-17**, an Ordinance Amending the Allocation of Funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency.  
*(Suspension Requested)*
2. **Ordinance No. 068-17**, an Ordinance Amending Various Sections of the Rules and Regulations of City Council for the City of Napoleon, Ohio; and Declaring an Emergency.

**I. Third Readings of Ordinances and Resolutions - None**

- J. **Good of the City** *(Any other business as may properly come before Council, including but not limited to):*
1. **Discussion/Action:** Recommendation to Approve the PSCAF for November 2017 as: PSCAF–three (3) month averaged factor \$0.01049, JV2 \$0.022894, JV5 \$0.022894.
- K. **Executive Session** *(as may be needed)*
- L. **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.)*
- M. **Adjournment**

  
\_\_\_\_\_  
Gregory J. Heath  
Finance Director/Clerk of Council

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
(Next Regular Meeting: December 5, 2017 @6:15 pm)
2. **Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, December 11, 2017 @6:30 pm)
  - a. Review of Power Supply Cost Adjustment Factor for December, 2017
  - b. Transmission Operator for Northside Substation
  - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, December 11, 2017 @7:00 pm)
  - a. Wastewater Treatment Plant Integrated Plan.
  - b. Review Utility Promissory Note (January 08, 2018).
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, December 11, 2017 @7:30 pm)
  - a. Downtown Improvements (tabled)
  - b. Discussion on Flowerpots vs. Guardrail in the City Parking Lot (tabled)
  - c. Curb and Sidewalk Replacement Reimbursement Program (January 8, 2018 meeting)
  - d. Review 2018 Engineering Projects (January 8, 2018 meeting).
  - e. Updated Information from Staff on Economic Development (as needed)
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, December 18, 2017 @6:00 pm)
6. **Ad Hoc Committee on Organizational Health and Strategic Vision (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Mon., December 18, 2017 at 6:15 pm)
  - a. Discussion on Mission and Strategic Vision.
7. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, November 27, 2017 @6:30 pm)
  - a. Special Joint Meeting with City Council, Monday, November 20<sup>th</sup>, 2017 @7:30 pm
    - i. Review of 2018 Budget
8. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, November 27, 2017 @7:30 pm/Joint Meeting with Townships)
9. **Personnel Committee (as needed)**
10. **Ad-hoc Committee on Council Rules (as needed)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, December 11, 2017 @6:30 pm)
  - a. Review of Power Supply Cost Adjustment Factor for December, 2017
  - b. Discussion on Transmission Operator for Northside Substation
  - d. Electric Department Report
  - e. Review Utility Promissory Note (January 08, 2018).
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, December 12, 2017 @4:30 pm)
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, December 12, 2017 @5:00 pm)
4. **Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, December 18, 2017 @6:00 pm)
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, November 28, 2017 @4:30 pm; Special Meetings on Mon., Dec. 18, 2017 at 4:00 pm, Saturday, Jan. 13, 2018 at 8:00 am; and Saturday, Feb. 3, 2018 at 9:00 am)
6. **Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wed., November 29, 2017 @6:30 pm)
7. **Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
(Next Regular Meeting: Tuesday, May , 2018 @10:30 am)
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
9. **Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting)**
10. **Health Care Cost Committee (Next Meeting: Friday, December 15, 2017 at 10:00 am)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**
19. **NCTV Advisory Board (as needed)**



# CITY COUNCIL

## MEETING MINUTES

MONDAY, NOVEMBER 06, 2017 AT 7:00 PM

### PRESENT

Council

Travis Sheaffer-Council President, Joseph D. Bialorucki-Council President Pro-Tem, Jeff Comadoll, Dan Baer, Rita Small, Jeff Mires, Lori Sicclair

Mayor

Jason P. Maassel

City Manager

Joel Mazur

Law Director

Billy D. Harmon

Finance Director/Clerk

Gregory J. Heath

City Staff

Dave Mack, Chief of Police

Clayton O'Brien, Fire Chief

Chad E. Lulfs, P.E., P.S, Director of Public Works

Scott Hoover, Water Treatment Superintendent

Recorder/Records Clerk

Roxanne Dietrich

Others

Newsmedia, NCTV, Jerry Tonjes, Ken Haase

### ABSENT

### Prayer

Council President Sheaffer called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.

### Approval of Minutes

Hearing no objections or corrections, the meeting minutes of October 16, 2017 stand approved as presented.

### Citizen

### Communication

Jerry Tonjes said "as everyone knows, I'm running for Council and want to wish everyone running tomorrow Good Luck. It has been an enlightening experience and I want to wish everyone the best of luck and hopefully we can move forward with whoever wins".

### Council Committee

### Reports

Chairman Mires reported the **Finance and Budget Committee** met on October 23, 2017 and reviewed the 2018 debt schedules, the estimated revenue listings and the proposed salary and fringe benefits schedules.

The **Safety and Human Resources Committee** did not meet in October due to a lack of agenda items; and the **Technology and Communications Committee** did not meet tonight due to the lack of agenda items.

### Introduction of Ordinance No. 067-17 Amending Allocation of Funds

Council President Sheaffer read by title **Ordinance No. 067-17**, an Ordinance Amending the Allocation of Funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency.

### Motion to Approve First Read of 067-17

Motion: Mires  
Second: Bialorucki  
To approve First Read of Resolution No. 067-17.

### Discussion

Heath said for purposes of budgeting this is the 68%-32% language, if it is not changed, it reverts back to the 50%/50% split. It is my recommendation to make the

**Passed**  
**Yea-7**  
**Nay-0**

# Introduction of Ordinance No. 068-17 Amending City Council Rules and Regulations

## Motion to Approve First Read of 068-17

## Discussion

## Motion to Amend Rule 10.3.4

Passed  
Yea-5  
Nay-2

**Motion to Amend  
Ordinance No. 068-17  
by Adding Emergency**

Passed  
Yea-7  
Nay-0

	Council President Sheaffer stated "First Reading approved".
<b>Introduction of Resolution No. 069-17 City Purchase 1.47 Acres Roundhouse Road</b>	Council President Sheaffer read by title <b>Resolution No. 069-17</b> , a Resolution Authorizing the City Manager to Execute any and all Documents Necessary to Acquire 1.47 acres of Land located within the City of Napoleon, Ohio; and Declaring an Emergency.
<b>Motion to Approve First Read of 069-17</b>	Motion: Mires Second: Small To approve First Read of Resolution No. 069-17.
<b>Discussion</b>	Mazur said the City wants to purchase the property behind Taco Bell where Roundhouse Road was proposed to have been built. Earlier this year the two property owners came in and gave their opinion if they wanted Roundhouse Road built, the estimate to construct the road is \$450,000. The City has made an offer to the one property owner to purchase their property for \$33,500. By purchasing this piece of property, the City is not obligated to build Roundhouse Road, whether that obligation is perceived or real has been the topic for a while. The second owner did not want the road built as the costs to build Roundhouse Road would have been assessed to his property. The \$450,000 can now be utilized towards road and utilities that need to be built.
<b>Motion to Suspend the Rules on Resolution No. 069-17</b>	Motion: Comadoll Second: Small To suspend the rule requiring three readings for Resolution No. 069-17.
<b>Passed Yea-7 Nay-0</b>	Roll call vote to approve suspending the rule on Resolution No. 069-17: Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer Nay-
<b>Passed Yea-7 Nay-0</b>	Roll call vote to pass Resolution No. 069-17 under suspension of the rule and with emergency: Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer Nay-
<b>Introduction of Ordinance No. 070-17 Establishing City Building Department</b>	Council President Sheaffer read by title <b>Ordinance No. 070-17</b> , an Ordinance Amending Chapter 1301, Section 1301.01, "Adoption", of Part 13 of the Codified Code of the City of Napoleon, Ohio, the Residential Code of Ohio for 1, 2, and 3 Family Dwellings and Establishing the City of Napoleon, Ohio Building Department; and Declaring an Emergency.
<b>Motion to Approve First Read of 070-17</b>	Motion: Mires Second: Small To approve First Read of Ordinance No. 070-17.
<b>Discussion</b>	Harmon reported we have already committed with Wood County to do the residential inspections here in Napoleon; but, there are two more steps that need to be done before Wood County can perform this function: 1) The State Board of Building Standards requires our residential code be brought up-to-date and that is accomplished with Ordinance No. 070-17; and 2) we have to make proper application to the State Board of Building Standards to have Wood County enforce our building code and to act as the agent for the City of

	Napoleon which is accomplished with the next Ordinance, 071-17.
<b>Motion to Suspend the Rules on Ordinance No. 070-17</b>	Motion: Bialorucki                      Second: Siclair to suspend the rule requiring three readings for Ordinance No. 070-17.
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote to approve suspending the rule on Ordinance No. 070-17: Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer Nay-
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote to pass Ordinance No. 070-17 under suspension of the rule and with emergency: Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer Nay-
<b>Introduction of Ordinance No. 071-17 Wood County Enforce and Make Building Inspections for City</b>	Council President Sheaffer read by title <b>Ordinance No. 071-17</b> , an Ordinance Authorizing a Request to the Ohio Board of Building Standards to Certify the City of Napoleon, Ohio for Enforcement of the Residential Code of Ohio with the Condition that the Wood County, Ohio Residential Building Department Exercise Enforcement Authority and Accept and Approve Plans and Specifications, and make Inspections, and Authorizing an Agreement for such Enforcement between the City of Napoleon, Ohio and Wood County, Ohio; and Declaring an Emergency.
<b>Motion to Approve First Read of 071-17</b>	Motion: Bialorucki                      Second: Comadoll To approve First Read of Ordinance No. 071-17.
<b>Discussion</b>	Harmon reiterated this is the process to make sure Wood County can inspect and enforce on behalf of the City, suspension is requested.
<b>Motion to Suspend the Rules on Ordinance No. 071-17</b>	Motion: Comadoll                      Second: Bialorucki To suspend the rule requiring three readings for Ordinance No. 071-17.
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote to approve suspending the rule on Ordinance No. 071-17: Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer Nay-
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote to pass Ordinance No. 071-17 under suspension of the rule and with emergency: Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer Nay-
<b>Third Read of Ordinance No. 059-17 Prohibiting Medical Marijuana</b>	Council President Sheaffer read by title Ordinance No. 059-17, an Ordinance Prohibiting Medical Marijuana Cultivation, Processing, Testing, Packing, Storage and Retail Distribution within the City of Napoleon, Ohio.
<b>Motion to Approve Third Read of 059-17</b>	Motion: Comadoll                      Second: Small to approve Third Read of Ordinance No. 059-17.

No further comments.

Roll call vote to approve Ordinance No. 059-17 on Third Read:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

Lulfs reported bids were opened with one bid being received from Werlor Waste Control with a bid of \$45/ton for an estimated 600 tons making the total amount \$27,000/year. It is my recommendation to award a three-year contract to Werlors Waste Control. We anticipate the tonnage may go down, it is becoming more expensive to recycle than haul garbage, this may be something you may want to consider looking at next year. Once the contract is in place, we will begin the education process through facebook, the City's web page and having the rules printed on the back of the bills. Mazur added we will be doing spot checks of the curbside recycling bins as we have an overload of contamination in the bins. Lulfs said the difference will be glass or shiny paper are no longer recyclable, plastics will remain the same, only Nos. 1 and 2 are recyclable, pizza boxes are not recyclable unless they are clean. Bialorucki suggested putting a note on the recycling bins as not everyone has facebook and some people pay their bills online.

Motion: Bialorucki                      Second: Small  
to award a three-year contract to Werlors Waste Control for \$45.00 ton (\$27,000/  
year) for the 2017 Recycling Processing Project.

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

Mazur said after much discussion, we feel it is best to go out to bid. Chemical needs for 2018 will be difficult for the water plant to plan for with so many unknowns and variables. We may have a few six-month contracts, we are still trying to figure out what chemicals and quantities will be needed.

Motion: Small Second: Siclair  
To approve the specifications and bid documents for Chemicals FY2018 for the Water Treatment and Wastewater Treatment Plant.

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

Motion: Small                      Second: Mires  
to Approve Change Order No. 1 (Final) for the Park Street Improvements – Phase 2 Project, an increase in the amount of \$29,938.84 to Bryan Excavating, LLC, Contractor.

Lulfs explained the majority of the costs are due to the large amount of undercutting that had to be done on the streets and also due to the soil conditions and the extra dirt that had to be hauled. The total contract for this project with the change order is \$691,431.44, the estimate was \$750,000.

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

**AROUND THE TABLE**

**MAZUR**

I would request an Executive Session regarding personnel and another for pending litigation. I would ask Chad to give you an update on the downtown project. Lulfs – most of the pavement is done, they will start the striping tonight. Smith Paving will be coming in tomorrow to do the concrete work. A large portion of the work has been completed, the street signs will not be put back up until all the striping is done. I encourage you to go visit the downtown businesses and take a look at what has been done. Bialorucki said the asphalt in the alley by Eddie J's looks like it declines from the street towards the alley, the owner's concern is puddling or freezing in the winter; Lulfs will talk to Crossland.

**HARMON**

Nothing.

**SICLAIR**

Good Luck to all in tomorrow's election.

**BAER**

Mr. Mayor, your signs look pretty good, will there be one on the southside? Mayor Maassel replied there is an easement there they are working on. Lulfs said the sign is not in the corporation limits, they are not our rules.

**COMADOLL**

Nothing.

**MAYOR MAASSEL**

Fire and Police were out and about on Halloween were there any safety service issues? We appreciate all you did on that day, Kidz Kingdom was transformed. Greg, when should I plan on doing my budget presentation, the meeting of December 4<sup>th</sup>? Heath answered that was fine. Maassel continued, the Napoleon High School girls water polo team won state and will be at the December 4<sup>th</sup> meeting. Good Luck tomorrow to everybody who is on the ballot. Travis, Billy and Jeff thank you for your service, Veterans Day is on the 11<sup>th</sup>. I received a letter addressed to all of us thanking the crews that put in the bench at the Golf Course in tribute to Gilbert Sonnenberg the bench was donated by his family. The budget meetings are this Friday and Saturday and invite newly elected councilmembers.

**SHEAFFER**

I received an email about the Henry County Landfill Solid Waste District meeting on the 16<sup>th</sup> about county strategies for solid waste projects. If anyone is be able to attend please RSVP back. I received another email from Tenneco, they are having a Veteran's Day lunch at the plant on Friday, that is our budget day and typically in the past lunch is brought in and we keep working, do you want to adjust the schedule or send the Mayor out. It was decided the Mayor will go for lunch and if anyone wants to go afterwards they can go for supper.

**BIALORUCK**

What is the completion date for the downtown project?  
Lulfs answered, the Saturday before Thanksgiving.

**SMALL**

I want to wish Good Luck to all who are in the election tomorrow.

Good Luck to Joe, Lori, Jerry, Travis and Ken tomorrow. The budget talks are on Friday and Saturday starting at 8:00 am. Last Saturday, I went to Feel the Heat in Columbus with Chief O'Brien, I have a lot more respect for the Chief and all his guys once you go and see what they do. I encourage those who haven't went to go if you have a chance.

Don't forget to vote.

Motion: Small Second: Mires  
to go into Executive Session for personnel.

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

Motion: Mires                      Second: Bialorucki  
to go into Executive Session for pending litigation.

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

Council went into Executive Session at 7:57 pm.

Motion: Bialorucki                      Second: Siclari  
To come out of Executive Session for Personnel.

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

President Sheaffer reported personnel was discussed and no action was taken.

Motion: Bialorucki                      Second: Small  
to come out of Executive Session for Pending Litigation.

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

President Sheaffer reported pending litigation was discussed and no action was taken.

Council came out of Executive Session at 8:45

Council President Sheaffer assigned to the Municipal Properties, Building, Land Use and Economic Development Committee *Flowerpots versus Guardrail in the City Parking Lot*".

**Approval of Bills**

The bills and reports stand approved as presented with no objections.

**Motion to Adjourn**

Motion: Bialorucki                      Second: Small  
to adjourn the City Council meeting.

**Passed**

**Yea-7**

**Nay-0**

Roll call vote on the above motion:  
Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer  
Nay-

**Adjournment**

The City Council meeting was adjourned at 8:46 pm.

**Approved:**

November 20, 2017

\_\_\_\_\_  
Travis Sheaffer, Council President

\_\_\_\_\_  
Jason P. Maassel, Mayor

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



# CITY COUNCIL

## Special Meeting Minutes

**Friday, November 10, 2017 at 8:00 am**

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### **PRESENT**

Council

Mayor

Finance Director/Clerk

City Manager

Asst. Finance Director

Recorder/Records Clerk

City Staff

Others

### **ABSENT**

Councilmember

### **Call to Order**

Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Jeff Mires, Lori Siclair

Jason P. Maassel

Gregory J. Heath

Joel L. Mazur

Chris Peddicord

Roxanne Dietrich

Judge Amy Rosebrook

Billy Harmon, City Law Director

Chad E. Lulfs, P.E., P.S., Director of Public Works

Jeff Rathge, Operations Superintendent

Tony Cotter, Director of Parks and Recreation

Scott Hoover, Water Treatment Superintendent

Dustin Tewksbury, MIS

Ken Haase, Northwest Signal

Travis Sheaffer

Council President Pro-Tem Bialorucki called the Special City Council Meeting to order at 8:01 am with the Lord's Prayer followed by the Pledge of Allegiance.

Council President Pro-Tem Bialorucki thanked all our Veterans for their service.

City Manager Mazur highlighted 2017:

There were eighteen new or expanded businesses, we lost one downtown business but that building was refilled quickly. We have room for housing, commercial, business and industrial growth. The Williams Pump Station Project is slated for 2018 and will promote growth outside of the city limits. Beautification improvements were done to the City, a Code Enforcement Inspector was hired, the 3100 account was eliminated, we hope to move the flower pots from the City parking lot to the downtown and would like to update the City Master Plan. On the utility side, the Water Treatment Plant project is going smooth, in 2018 we will switch over to the membrane and other water treatment processes; we will continue planning for the Wastewater Treatment Plant project, we are renegotiating with the OhioEPA to reduce the amount of Long Term Control Projects (LTCP) and prolong the schedule with the hope that will control sewer rates in the long term. To balance the budget the Clairmont Project was cut. This year, we started a program to replace the large meters and expect to see an increase in revenue, due to high water loss we did leak detection and found two leaks that was resulting in a significant amount of water loss between the stop and meter on private property, at one point our water loss numbers were above 30% and now those numbers have went down to the low-mid teens, we were able to retain our seats on both the AMP and OMEA boards, we are looking at a

transmission owner project, we have wrapped up Phase 1 of the LED street light conversion and the 100 year old downtown waterline that was undersized for fire protection services has been replaced while they were doing the downtown construction project. The building inspection account (3100) was dissolved and we have contracted with Wood County to do all our residential building inspections. On the personnel side, Tom Zimmerman left and Dan Wachtman and Bobby Weitzel retired. Dan's position has not been filled yet as his retirement was unexpected. We had savings by not constructing Roundhouse Road and repaving the City Building Parking Lot, and the Downtown Project was segmented out. Transmission costs will be going up in 2018. The IT section has deficiencies with a lot of failures in the system, there is not a comprehensive maintenance schedule for any of our building facilities and you will see a request for an evaluation to be put together in conjunction with our master plan. Water contracts-the outside communities are looking at options to see if cheaper and better water is available to them elsewhere, I would like to meet with the outside communities later this month in an effort to keep them on our system. We are making improvements on meters and leak detection, and the crack sealing program will prolong the life of our roads, I am proposing to put \$100,000 in the reserve rainy day fund account which will be plus for our bond ratings too.

Goals for 2018 include providing a higher quality of service wherever we can, to promote and manage growth in Napoleon, continue with the downtown improvements and to be fiscally responsible and consider our needs vs. wants. Utilities rates in 2018 will be going up with transmission costs going up, by renegotiating the long term control projects on the sewer side should help retain our satellite communities, high on the list is succession planning with upcoming retirements in 2019 and 2020, IT Improvements (doors, email system, website, software, improving social media presence), update the 2009 Master Plan and zoning code, implement an integrated plan for the WWTP (they are operating with a 1950 system ), transmission owner requirements at Glenwood Substation and manage our electric data.

**8:35 am**  
**City Council 1100**  
**Additional Request**

Additional Request \$10,000 - from Travis for a consultant for organizational health and strategic vision; this was in the 2017 budget, but was not used.

**Mayor 1200**

100-1200 Mayor – there were not any major changes.

**8:42 am - 9:16 am**  
**Municipal Court - 1800**  
**Judge Rosebrook**

8:42 am - Judge Rosebrook

The server at Municipal Court had not been functioning properly and had to be replaced at a cost of \$20,000 which was taken out of our computerization fund. 272- Security Camera Upgrade \$30,000, we received a \$20,000 bonus for meeting our goals on the probation grant and that will be used towards the camera upgrade.

Retirement - Bob Bogert definitely may retire. Heath said we did budget for the retirement, but it had to come out of the general fund due to insufficient monies. The OVI law changed in April that allows for more use of interlock devices and the ankle monitor, with the new law they now go back ten years and we could see more second and third time incidents.

288 is the JRIG Grant that replaces the PIG Grant.

**9:17 am – 9:33 am**  
**Henry County CIC**  
**130-3500**  
**Denise Dahl**

400-1800 HVAC System Upgrade \$5,000 – controlling the temperatures is an ongoing problem.

Denise Dahl from the Henry County Community Improvement Corporation (CIC) presented that budget, she stated the budget committee has approved the budget; however, the full board has not seen the budget yet.

Memberships increased by 22% in 2017, we are at the point we are the majority funder and hope to continue that trend. Dahl stated the summary she passed out shows what was done this year with the funding breakdown. The plan is to hold study and pull a little more weight on our end. Maassel asked if Pioneer Rail has started. Dahl answered they have an agreement if they are not going by the end of the year, they lose the grant, I'm not sure if they have everything they need.

Maassel inquired about the second river bridge. Dahl said Tim Schumm, the Henry County Engineer, met with State Community Development who said they will go in, we should know in either December or January if the grant funding is approved, if they do not receive the go ahead, it will not happen. Manufacturing in Henry County is 24% of your businesses but it is 40% of your payroll dollars.

**9:34 am – 9:45 am**  
**Law Department**  
**100-1400**  
**Billy Harmon**

Legal Expense - \$50,000 was budgeted for 2017 with just a little over \$8,000 being spent. For the most part I can handle everything; however, I projected a need of \$40,000 in 2018 to be safe. Accounts that do not pertain to payroll have been reduced or remained the same.

400-1400 - \$7,000 for computers, mine is nine (9) years old.

**9:46 am – 9:55 am**  
**Human Resources**  
**100-1370**  
**Morgan Druhot**

9:46 am Human Resources

Mazur said there is not much change, there was unanticipated costs for harassment training. Advertising costs were increased to \$10,000.

**10:06 am – 12:09 pm**  
**Engineering/Public Works**  
**Chad Lulfs/Jeff Rathge**

100-1700 Personnel - Staff Engineer we will advertise again after the first of year for this position, we did not receive any applications last time. There is an increase for 2018 for continuing education classes. Mazur said his goal for 2018 is to reduce cell phones and to reduce the number of land lines. Laptops were added as were tablets that will have access to the GIS system, this will assist the Operations Department crews.

200 – Street Fund

Mazur said we did not have much snow last year. Maassel asked how much salt do we have on-hand? Rathge answered we have 1,000 tons on-hand in the barn and have ordered 700 tons. Lulfs said eight years ago we bought salt for \$135/ton we are now paying \$36.10 ton.

**Additional Request**

Heath said going back to the 1700 account there is an Additional Request to change the title and scale of the Licensed Staff Engineer over and above the current ordinance. Mazur said Marty has done a lot of work, he has the license and the proposal is to change his position title to Assistant City Engineer and make it an hourly position not salary.

**Additional Request**

Heath said there is an additional request in streets to bring someone in before the retirement of the Service Building Secretary, the budgeted retirement date is November 1<sup>st</sup>.

**Council President Pro-Tem  
Assigned to the Municipal  
Properties Committee  
Review of Sidewalk and  
Curb Reimbursement  
Program**

400-1700 – large format scanner Lulfs said he found one last month for \$6,000 from a company that was going out of business and there was money in the budget so they purchased it. Our current machine is twelve years old, is black and white and cost us \$21,000 twelve years ago.

400-5100 – there is a request to purchase a new 3-yard front end loader off of state contract, the current front end-loader at Operations is a 1999. It is used at the at yard waste dump site to keep it cleaned up and is also used at the boat docks.

Phones are spread out amongst the different funds, we are looking at going with the same phones as the county has.

Tree trimming/plantings - Marty runs the tree program, the proposed budget was increased by \$10,000.

Sidewalk and Curb Reimbursement Program \$20,000 - is for the public with the intent to help homeowners cover the cost, we pay up to \$1.50/sq. ft. Heath asked if the Ordinance should be changed to allow for a higher reimbursement, Lulfs answered it should be looked at because it is not covering the costs anymore.

Council President Pro-Tem Bialorucki assigned to the Municipal Properties, Building, Land Use and Economic Development Committee *Review of the Sidewalk and Curb Reimbursement Program* for the January 8, 2018 meeting agenda.

**Council President Pro-Tem  
Assigned to the Municipal  
Properties Committee  
2018 Engineering Projects**

Lulfs stated that every year we put \$450,000 in for street resurfacing and there has been talk about adding Trail Drive in 2018 as we have received some complaints. Maassel asked will we keep working on Oakwood Avenue. Lulfs answered, that will be expensive as it will include curb replacement plus Oakwood has some serious drainage issues and the storm sewers are not functioning well and that will need to be addressed before we repave.

Council President Pro-Tem Bialorucki assigned to the Municipal Properties, Building, Land Use and Economic Development Committee *Review of the 2018 Engineering Projects* for the January 8, 2018 meeting agenda.

Mazur said that Industrial Drive is funded thru the ODOT Small Cities Grant, the project is estimated at \$3.8 million. Sewer issues, as part of the LTCP, will be addressed and part of the waterline will be replaced from Riverview up to Defiance Stamping, the storm sewer needs to be replaced too it will be at Greg's discretion how he divides the \$1.95 million ODOT grant, either for street or storm sewer work. Maassel asked if this one will be done as concrete. Lulfs answered yes, from the tracks to the truck stop. If the county does the second bridge they will do the tracks, I would like to bid this project in January as I believe it will attract the bigger contractors.

Mazur said if we were to add the downtown project (\$340,000) back in we would have to do a split between capital and the general fund, Heath's recommendation is to pin the project out of the capital carryover. There is enough money in water and sewer as of now but there is not enough in the budget and we need to see what the actual carryover is.

11:20 am  
Mayor Maassel left.

The Downtown Project for 2018 will include Clinton from Scott to Monroe and on Perry Street the waterline will be replaced, the curbs will be fixed and the road

repaved. There is the potential of moving the truck route Comadoll and Baer both stated that needs to be a priority, Mazur replied that will be a 2019 project as a traffic study has to be done in 2018.

400-5130 \$70,000 - there is a request to replace the truck Tom Nagel drives.

Rathge said the current truck is a 1998 with 163,000 miles on it.

510-6210 – Water Distribution

Lulfs said half of the waterline hangers under the Perry Street Bridge \$50,000 - were to be replaced in 2017 but due to issues with the contractor that did not get done, hopefully we can get the issues worked out and hangers replaced in 2018.

\$10,000 is to replace old meters.

\$25,000 for Valve testing and leak detection Rathge stated the cost is well worth it.

Request to replace the Water Service Truck \$70,000 - the current truck is a 2003 with 125,000 miles on it.

520-6311 -57800 is the Clean Water Removal Assistance Program (CWRAP) \$25,000

This is another reimbursement program that started in 1998 to get clean/rain water out of the sanitary sewer system. The is a program where the property owners have their storm and sanitary water separated, the City will cover two-thirds of that cost up to \$2,500, this amount has not been adjusted since the program was implemented, if you ever want to look at increasing the maximum that is an option. One project may cost \$2,000 while another project could cost up to \$20,000.

521-6310 - Sanitary Sewer part of the projects

Park Street, Phase 3 from Sheffield to Riverview

Williams Pump Station - \$1.5 million -\$2 million. Lulfs stated that this pump station needs some attention soon.

Sewer Lateral Fund \$50,000 – the City owns the laterals from the main to the right-of-way and this fund covers those costs, the property owner is responsible for maintenance; if the sewer collapses, the City is responsible.

Kenilworth Project from Oberhaus Creek/Railroad Tracks and up to Briarheath.

6400 – Refuse and Recycling. Lulfs said we budgeted for more refuse tonnage with glass not being recyclable anymore and decreased the recycling tonnage.

Rathge had an additional request for a full-time employee, that request was cut by the City Manager. Rathge stated we do not always know if we will have CCNO help, would be nice to nice if someone will show up every day.

#### **Additional Request**

**12:21 pm – 1:18 pm**  
**Parks & Recreation and**  
**Cemeteries**  
**100-4100-4700**  
**Tony Cotter**

100-4700 – Cemeteries. The City has to the cover the cost of the funeral home and cemetery lot for indigent burials. City Manager Mazur reported the Historical Society would to do rehabilitation work on the mausoleum.

Mazur - We have received a request to put a Frisbee golf course in the wooded area out at Oakwood Park, an idea I would like to explore is turning the lagoons into an ice skating rink and corporate membership rates were added at the golf course. Cotter added we felt this may be a way to generate more revenue at the golf course. Rachel Bostelman brought to us the potential to develop a crossfit facility for young people and adults. We are looking into a grant for attaching the Ritter Park walking path to the downtown, the Buckeye Trail System does not have a path coming onto Riverview, it would tie the west end to the east end. Jahns Road is another high traffic area with no sidewalks and is part of the grant.

200-4100 – The Cedar Point ticket program is no longer being offered.

200-4200 – Golf. We had four flood events at the Golf Course this year with one closing us for a few days. We are asking to replace four golf carts.

12:30 pm Mayor Returns

**Additional Request**

**1:19 pm – 1:42 pm**  
**Henry County Chamber**  
**Joel Miller**

**1:43 pm – 1:58 pm**  
**MIS/IT Department**  
**1600**  
**Dustin Tewksbury**

**Additional Request**

**2:05 pm – 2:45 pm**  
**Water Treatment Plant**  
**510-6200**

220-4300 - Pool Operating. Our biggest concern is water loss and the physical condition of the swimming pool. We are trying to figure out where the water is leaking from and then have it fixed. The pool is just worn out, the current plan for is to renovate the pool, that cost is estimated at \$450,000. To build a new combo rec pool with splash pads, like other communities have done, and have a smaller competition pool would be a \$1 million - \$4 million project. Fireworks - \$9,500 comes out of the Parks & Rec Fund and \$12,500 from the General Fund. Replacement of Playground Equipment at Glenwood, the current equipment is over thirty years old, small children like to play on that equipment. Kidz Kingdom is for older children. Oakwood Park Phase I Improvements - there are four batting cages out there that are twenty-five years old that are used a lot and are out-of-date. 400-4400 page 2 Mazur said that can be red-lined/taken out. 400-4700 \$10,000 – for Replacement of mower Heath asked if they wanted an Additional Request to bump up fireworks by \$3,000.

Joel Miller, Director of the Henry County Chamber presented their budget. The Ohio Revised Code requires the City to have a hotel/motel tax and spend half on tourism activities to bring people into the City. I have passed out the brochures that we put together for this year, our goal is to attract people to stay here. We have to promote our events as we do not have the likes of a Cedar Point or Sauders to draw people in. Ribfest is our big yearly event. The Chamber purchases Christmas lights for the downtown trees, flowers for the downtown flower pots and hanging planters. Thank-you to Mike Willhite and his staff for taking care of the planters this year and also a huge thanks to the operations and electric staff that help us out.

Formerly MIS is now the IT Department. This is an area where we are vulnerable, after Dan retired we did not fill that position, Dustin is working part-time.

There is an additional request to make the part-time position full-time and rename IT Specialist. I'd want to hire this position and later in the year fill the part-time position. The idea of an IT Department for both the County and City has been considered, as we do not have a backup for this position. Heath said the Electric Department allocates one person for the SCADA system we could create a department of three within our city. Mazur responded we will hire a part-time person in July and see what happens with the County. 400-1600 Website Redesign and Restructuring \$11,500 - Mazur stated this may not be enough money. Server Room Migration w/proper HVAC and RH \$5,000 – temperature control is critical for the equipment. The phone system has been split into multiple accounts.

Mazur said this was the most difficult budget to put together with so many unknowns and variables. Hoover stated he does not know if he has enough money in his budget, we will now be heating three additional buildings. At some point we will have to hire someone to come in and clean the Sludge Building. Lime will go away in March when the membranes go online, during that process, their technicians will be here to help us out. Chemical costs-we are bidding out the

	<p>chemicals for a six-month contract. The MIEX debt we will be carrying until 2028. Wauseon pump rebuild we are covering the costs, they have not covered any costs, the contract needs to be renegotiated, we are drawing off the reservoir right now. Comadoll asked if that should be assigned to committee and Mazur replied we will do some negotiating on our own first.</p> <p>510-6210 Jon Boat – WTP share is \$3,750</p> <p>Mudroom mud where lab is now</p> <p>\$100,000 for membrane replacement to be put away yearly was recommended by AECOM. Maassel asked if the membranes will be replaced one every year or will all be replaced every five years. Hoover answered “initially I’m shooting for five years”.</p>
<b>Additional Request</b>	<p>Additional request to upgrade the salary scale of Chief Water Treatment Operator to be equal to Chief Wastewater Treatment Operator.</p>
<b>2:50 pm – 3:09 pm</b> <b>City Manager</b> <b>100-1300</b>	<p>Facilities Management Assessment to review and evaluate what we have. In addition to the downtown improvements, I want to focus on the fringe properties area, including this building a lot of people talk about river development. We’ve been working on the Minnich building, Hogrefe property, Funkhouser property and the house on Scott Street.</p> <p>400-1300 \$,1800 - new desk for the City Manager’s office.</p> <p>City Parking Lot - it can hold out another year will spray patch.</p>
<b>Additional Request</b>	<p>Comadoll suggested filling in the holes and putting a sealant on top. The Mayor stated let’s put this in as an additional request.</p>
<b>3:10 pm – 3:25 pm</b> <b>Finance</b> <b>1500</b>	<p>100-1500 Finance</p> <p>Heath reported there is a healthy travel and training budget as CMI will be coming in to do training and they charge \$1,000/day. \$22,000 for Audit Services this was bid by the State Auditor’s office, the auditors report to the State of Ohio.</p>
<b>Additional Request</b>	<p>I have an Additional Request to raise the Accounts Payable Clerk pay scale by \$1.00/hour, I believe this is a more skilled position than the other Account Clerk positions.</p>
<b>Utilities</b>	<p>100-1520 Utilities</p> <p>Travel and Training a lower amount was put in as this office is down to two people. Postage and delivery amount is up due to the projected increase.</p>
<b>Additional Request</b>	<p>Additional Request to bring the Utility Billing Supervisor up to the same pay scale as the Income Tax Supervisor, this request was in last year too and was never acted upon one way or another.</p> <p>100-1900</p> <p>Departments in the City Building – all larger expenses will have the expenditures coming out of the 1900 account instead of being allocated to each department in this building.</p> <p>Mazur said he was approached by Dr. Fogo about increasing the amount paid to NCTV. Baer responded the equipment out there is fairly new, what kind of service are we getting. Siclair said she has had couple of people complain about NCTV. Baer said the service is not there, they have to provide better service, Comadoll stated they were told that the last time.</p> <p>170-1510 Income Tax - Travel and training is less than last year.</p>

400-1520 - Authority Upgrade is the big item, the copy machine on Finance Side is eight years old and it is getting difficult to find parts to fix it, I would propose we upgrade to a machine similar to the one in workroom that will serve as a backup to the other copier.

Motion: Small    Second: Siclair  
to adjourn the Special City Council meeting.

Roll call vote on the above motion:  
Yea-Baer, Siclair, Mires, Small, Bialorucki, Comadoll  
Nay-

The Special City Council Meeting was adjourned at 3:49 pm.

Joseph D. Bialorucki, Council President Pro-Tem

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council



# CITY COUNCIL

## Special Meeting Minutes

**Saturday, November 11, 2017 at 8:00 am**

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### **PRESENT**

Council

Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Dan Baer, Jeff Mires, Lori Siclair

Mayor

Jason P. Maassel

Finance Director/Clerk

Gregory J. Heath

City Manager

Joel L. Mazur

Recorder/Records Clerk

Roxanne Dietrich

City Staff

Chris Peddicord, Assistant Finance Director

Dave Pike, Wastewater Treatment Superintendent

Dennis Clapp, Electric Distribution Superintendent

Clayton O'Brien, Fire Chief

Dave Mack, Chief of Police

Ken Haase

Others

### **ABSENT**

Councilmembers

Travis Sheaffer, Rita Small

### **Call to Order**

Council President Pro-Tem Bialorucki called the meeting to order at 8:01 am.

**8:02 am – 8:34 am**

**WWTP - 6300**

**Dave Pike**

### 2017 Highlights

A lot of engineering is being done to determine the best route to take for the future of the plant, there have been seven overflows so far this year, the volume has been greatly reduced as the flows are getting to the plant rather quickly with all infrastructure that has been done.

520-6300

Page 13 Line Items 5 and 7 should be red-lined/removed per the City Manager.

Page 14 Line Item 11 should be \$250,000 – the Digester has not been cleaned since 2011 and it is recommended that it be cleaned every five years.

Computer systems \$2,000 - the lab computer is ten years old.

Phase 1 of the WWTP will be the placement of the headworks, Phase 1 will not start until we know where the headworks are going to be located at as this is the key issue of the project with the deregulations that are coming down the road, we should have more information by the end of the year.

Flat Roof – every flat roof is 10 years old.

With the new WTP Process, there will be a 15%-20% increase in solids being sent to us. We may have to switch to different chemicals, right now we are not sure what chemicals may be needed. Mazur added he prefer the solids be treated at the WTP Pike replied if there is too much inorganic that will wipe out the sludge process and we cannot land apply, the solids will have to be taken to the landfill.

Phase 2 of the Integrated Plan will determine what the long-term future will be on our solids, we just lost 60 acres for next year.

**8:35 am – 9:25 am**  
**Electric Distribution**  
**500 6110**  
**Dennie Clapp**

2017 was a good year except for the NERC stipulation. We installed 150 LED lights, a lot of system upgrades were done, with a grant through AMP we did a safety class for Napoleon's 4<sup>th</sup> graders we took them to the BG wind farm and northside substation. We are working on safety, the reclosures were updated throughout the system, we installed power to Pocket Park and provided mutual aid to Montpelier, Holiday City and Tallahassee.

Mazur said one of our goals for 2018 is unbundling of bills and debt management - monitoring, we also need to educate people about the efficiency smart program. We have an extra truck that should go to the auction block but we are keeping it so we have two good trucks.

500-6110-53330 Transmission Owner Compliance \$300,000

NERC has required us to be a transmission station owner and with that comes greater responsibilities and costs. If we decide to go this route, the costs are recoverable at 10.38%. Mazur stated he is pushing for AMP to become a transmission owner.

Industrial Drive Project Traffic Signal \$63,000 - that is the number Chad had us put in, part of the upgrade may include cameras to trigger the light when people are sitting there.

503-6110 Bucket Truck \$290,000 – we are requesting a bucket truck to replace #53 so we have one truck for off-road and one for on-road work.

Mazur said we put in \$8,900 for a vehicle charging station, we are not sure if that will be done.

**9:33 am – 10:20 am**  
**Fire**  
**100-2200**  
**Chief Clayton O'Brien**

Highlights from 2017

To date, we have had 1,389 runs, we are going to ramp up the fire prevention program, we have conducted 244 inspections of which 168 required a re-inspection, we did thirty-three public safety education events, we had a big year capital wise with two trucks put in service, we applied for grants and were successful in some and unsuccessful in others, we completed all annual testing there are a lot of annual tests that have to be done to meet standards, the BWC grant got us fire gloves and hoods and the gear extractor, a couple of work stations were replaced and we are trying to be as transparent as possible to let the community know we are here to help that is why we designed our website the way it is.

100-2200 – personnel side is up a little now that we are fully staffed, we have had a lot of turnover in the last couple of years.

100-2200-53300 added Annual Firefighter Physicals \$14,000 - Chief O'Brien stated Bio-Care has always come in with their trailer to do the annual physicals that is quite an expense, we are now going to do physicals every-other-year and have staff fill out a questionnaire and have our Medical Director review them. The trailer is nice if firefighters from Wauseon or Bryan cannot make it when the trailer is in their community, they can come here and the same goes for our department, if someone cannot make it when the trailer is in Napoleon, they can go to Wauseon or Bryan.

210-2200 EMS Transport - Collections for EMS billing - bills not collected from our billing company. Comadoll asked what kind of write-offs will we have for this year. Heath replied there will be large write-off, some go back 8-10 years. On the utility side we haven't addressed the deposits for 10 years and will have a lot of write-offs there too. Comadoll asked if Billy can do something to help us? Heath answered if you cannot find the person or they don't have a job you can get a

**Additional Request**

judgement but there is a cost of \$200.

Additional Request – we are requesting to increase the amount being put away for the ladder truck, if we continue with the current trend there will not be enough, this has been discussed in committee to go from \$90,000/year to \$95,000/year. The ladder truck is scheduled for replacement in 2030 that truck will be 30 years old then, we will be looking for grant monies.

Chief - Engine 805 is scheduled to be replaced in 2026, right now that cost would be about \$600,00. Mazur said we can address the funding now or deal with it thirteen years from now.

242-2200 Fire Equipment Fund - Replacement of Hovercraft – we were unsuccessful with our grant and this was not purchased in 2017. The hovercraft is on the Federal GSA under \$60,000. It is my job to make sure we have the resources to rescue people out on the water without jeopardizing my staff. Mazur added we put the hovercraft back in for 2018 and can apply for another grant.

**Motion to Approve  
Purchasing the  
Hovercraft in 2017 from  
the Federal GSA Contract**

Motion: Mires

Second: Bear

to approve purchasing the Hovercraft from Federal GSA contract in 2017.

**Passed**

**Yea-5**

**Nay-0**

Roll call vote on the above motion:

Yea-Siclair, Mires, Bialorucki, Comadoll, Baer

Nay-

400-2200 – Drone \$6,000 – should we ever need to search for someone, this will be a great help, the plan is to apply for a grant.

River access \$5,000 – the Parks Department has extra docks and we would like to clean-off the bank, build a gangway and put in two docks, we do not anticipate needing the entire \$5,000. Maassel suggested finding an Eagle Scout who is looking for a project.

Goals for 2018 include updating the strategic plan for the Fire Department, to complete community risk production, evaluation for the city, continue looking for grants, maintain vehicles in our fleet and make our personnel as happy as we can, right now I want to focus on continuing education skillsets for the current firefighters in Northwest Ohio.

**10:29 am – 11:49 am  
Police  
100-2100  
Chief Dave Mack**

**2017 Highlights**

Mazur - Bobby Weitzel retired and we hired Dave Mack as the new Chief of Police. Chief Mack – there were several armed robberies and burglaries, currently we have received over 9,000 calls and up through September of this year we logged 76,900 patrol miles, we had a couple of school issues, the man unit officer is very active, all capital projects will be completed under budget, a big concern out there right now is with drug fentanyl, we did CPT training in-house for our department and provided mutual aid CPT training to Defiance County specifically.

Mazur reported from May to November 8<sup>th</sup>, code enforcement has documented 343 cases, we have budgeted to pay for the mowing of these properties, but get we restitution back, there were sixteen abatement cases with four charges being filed, he did forty-five investigations with twenty-one different charges being filed, our goal is voluntary compliance.

Chief - in personnel we have had a significant turnover in dispatchers.

**Motion to go Into  
Executive Session**

### Motion to Come Out of Executive Session

Motion: Comadoll                                      Second:  
to come out of Executive Session at 12:13 pm.

Passed  
Yea-5  
Nay-0

Roll call on the above motion:  
Yea-Siclair, Mires, Bialorucki, Comadoll, Baer  
Nay-

Council President Pro-Tem Bialorucki reported Personnel was discussed in Executive Session and no action was taken.

**Special Joint Meeting  
City Council and Finance  
and Budget Committee  
on Monday, November  
20, 2017 at 7:30 pm**

To have a Joint Special Meeting with City Council and the Finance and Budget Committee on Monday, November 20, 2017 at 7:30 pm to continue review of the 2018 Budget.

**Motion to Adjourn the  
Special City Council  
Meeting at 12:25 pm**

Motion: Comadoll  
to adjourn at 12:25 pm.

Passed  
Yea-5  
Nay-0

Roll call on the above motion:  
Yea-Siclair, Mires, Bialorucki, Comadoll, Baer  
Nay-

**Approved:**

Joe Bialorucki, Council President Pro-Tem

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

## **ORDINANCE NO. 072-17**

### **AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO MUNICIPAL INCOME TAX CODE, FOR THE PURPOSE OF ADHERING TO THE CHANGES OUTLINED IN HOUSE BILL 49; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and,

**WHEREAS**, the General Assembly has determined it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

**WHEREAS**, more specifically, the General Assembly enacted H. B. 49, and mandated that municipal income tax codes be amended by January 1, 2018 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in Ohio Revised Code Chapter 718;” and,

**WHEREAS**, upon a detailed review of H. B. 49 and the Codified Ordinances of the City of Napoleon, this Ordinance is found and determined by this Council to enact the amendments required to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code. **Now Therefore;**

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

Section 1. That, Chapter 194 of the Codified Ordinances of Napoleon, Ohio was adopted as set forth in the document entitled “Chapter 194, Municipal Income Tax, Effective January 1, 2016” attached to Ord. No. 053-15 as Exhibit A and incorporated therein by reference.

Section 2. That, Chapter 193 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2016.

Section 3. That, Ordinance No. 053-15 took effect on January 1, 2016, and remains in effect and in force to date.

Section 4. That, this Ordinance No. 072-17 amends Ordinance No. 036-16 so as to incorporate and adopt all identified changes noted herein, including the changes as noted in the attached Exhibit A entitled “Am. Sub. H. B. No. 49.” The remaining, unchanged portions of Ordinance No.(s) 053-15 and 036-16 remain in full force and effect.

Section 5. 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 6. 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 in order to allow the City to timely implement the changes expounded in House Bill 49; 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: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, 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. 072-17 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*

located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer. A lessor that imposes such a fee shall remit all collections of the fee to the municipal corporation in which the real property is located.

The legislative authority of that municipal corporation shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and ~~June~~ July, beginning after the designation of the tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 718.01. Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code, unless a different meaning is clearly required. ~~If~~ Except as provided in section 718.81 of the Revised Code, if a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal



income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Revised Code.

As Except as otherwise provided in section 718.81 of the Revised Code,  
as used in this chapter:

(A)(1) "Municipal taxable income" means the following:

(a) For a person other than an individual, income ~~reduced by exempt income to the extent otherwise included in income and then, as applicable,~~ apportioned or sitused to the municipal corporation under section 718.02 of the Revised Code, and further as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.

(b)(i) For an individual who is a resident of a municipal corporation other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(ii) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Revised Code.

(c) For an individual who is a nonresident of a municipal corporation, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under section 718.02 of the Revised Code, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A)(1)(b)(i) or (c) of this section, the amount of the individual's employee business

expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.

(B) "Income" means the following:

(1)(a) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (D)~~(4)~~(5) of this section.

(b) For the purposes of division (B)(1)(a) of this section:

(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (B)(1)(d) of this section;

(ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(c) Division (B)(1)(b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(14)(b) or (c) of this section.

(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(3) For taxpayers that are not individuals, net profit of the taxpayer;

(4) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(C) "Exempt income" means all of the following:

(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;

(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income;

(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised

Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(7) Alimony and child support received;

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;

(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.

(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;

(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;

(13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(14)(a) Except as provided in division (C)(14)(b) or (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.

(b) If, pursuant to division (H) of former section 718.01 of the Revised

Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation.

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state.

(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(14)(b) or (c) of this section. The municipal corporation shall specify by resolution or ordinance that the tax applies to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(15) To the extent authorized under a resolution or ordinance adopted by a municipal corporation before January 1, 2016, all or a portion of the income of individuals or a class of individuals under eighteen years of age.

(16)(a) Except as provided in divisions (C)(16)(b), (c), and (d) of this section, qualifying wages described in division (B)(1) or (E) of section 718.011 of the Revised Code to the extent the qualifying wages are not subject to withholding for the municipal corporation under either of those divisions.

(b) The exemption provided in division (C)(16)(a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(c) The exemption provided in division (C)(16)(a) of this section does



not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code.

(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under

a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.

(20) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

~~(D)(1) "Net profit" for a person other than an individual means adjusted federal taxable income.~~

~~(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2)(1) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8)(D)(3) of this section.~~

~~(3)(2) "Net profit" for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (D)(3) of this section.~~

~~(3)(a) The amount of such net operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.~~

~~(b) No person shall use the deduction allowed by division (D)(3) of this section to offset qualifying wages.~~

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty~~

per cent of the amount of the deduction otherwise allowed by division (D)(3) of this section.

(ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (D)(3) of this section without regard to the limitation of division (D)(3)(b)(i) of this section.

(d) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to division (D)(3) of this section.

(e) Nothing in division (D)(3)(c)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (D)(3)(c)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (D)(3)(c)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (D)(3)(c)(i) of this section shall apply to the amount carried forward.

(4) For the purposes of this chapter, and notwithstanding division (D)(1)(2) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(4)(5) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (D)(4)(5) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.

A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D)(4)(5) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(E) "Adjusted federal taxable income," for a person required to file as a



C corporation, or for a person that has elected to be taxed as a C corporation under division (D)~~(4)(5)~~ of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;

~~(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.~~

~~The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable~~

~~years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.~~

~~(b) No person shall use the deduction allowed by division (E)(8) of this section to offset qualifying wages.~~

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (E)(8)(a) of this section.~~

~~(ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (E)(8)(a) of this section.~~

~~(d) Any pre 2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to division (E)(8) of this section.~~

~~(e) Nothing in division (E)(8)(c)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (E)(8)(c)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (E)(8)(c)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (E)(8)(c)(i) of this section shall apply to the amount carried forward. Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.~~

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of this section, is not a publicly traded partnership that has made the election described in division

(D)(4)(5) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (E) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.

(K) "Nonresident" means an individual that is not a resident.

(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.

(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(i) The limited liability company's single member is also a limited

liability company.

(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(P) "Single member limited liability company" means a limited liability company that has one direct member.

(Q) "Limited liability company" means a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of

another state.

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(1) Deduct the following amounts:

(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.

(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(e) Any amount included in wages that is exempt income.

(2) Add the following amounts:

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.



(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

(f) Any amount not included in wages if all of the following apply:

(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(iii) For no succeeding taxable year will the amount constitute wages; and

(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:

(1) A municipal corporation acting as the agent of another municipal corporation;

(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;

(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions

similar to those performed by the central collection agency and the regional income tax agency.

"Tax administrator" does not include the tax commissioner.

(V) "Employer" means a person that is an employer for federal income tax purposes.

(W) "Employee" means an individual who is an employee for federal income tax purposes.

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.

(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.

(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(HH) "Casino operator" and "casino facility" have the same meanings as

in section 3772.01 of the Revised Code.

(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.

(KK) "Postal service" means the United States postal service.

(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.

(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code.

(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.

(OO) "Related entity" means any of the following:

(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (OO)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;



(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (OO)(1) to (3) of this section have been met.

(PP)(1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(WW) "Tax commissioner" means the tax commissioner appointed under section 121.03 of the Revised Code.

Sec. 718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the Revised Code.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B)(1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in a municipal corporation, the taxpayer may request, or the tax administrator of the municipal corporation may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(a) Separate accounting;

(b) The exclusion of one or more of the factors;

(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax administrator denies the request in an assessment issued within the period prescribed by division (A) of section 718.12 of the Revised Code.

(3) A tax administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.12 of the Revised Code.

(4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a tax administrator

or otherwise agreed upon by both the tax administrator and taxpayer before January 1, 2016.

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If a tax administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax administrator's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(1) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation ~~in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation only~~ if, regardless of where title passes, the property meets ~~any~~ either of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or

promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

~~(e) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.~~

(2) Gross receipts from the sale of services shall be situated to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be situated to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be situated to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides.

A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(F)(1) Except as provided in division (F)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(2) An individual who is a resident of a municipal corporation that imposes a municipal income tax shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. The individual may claim a credit for taxes the individual paid



on such net profit to another municipal corporation to the extent that such a credit is allowed under the municipal income tax ordinance, or rules of the municipal corporation of residence.

(G) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

**Sec. 718.06. (A)** As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in

section 4927.01 of the Revised Code.

(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code.

(B)(1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the municipal income tax in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (B)(2) of this section or a taxpayer receives permission from the tax administrator. The tax administrator shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (B)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(4) When a taxpayer makes the election allowed under section 718.80 of the Revised Code, a valid election made by the taxpayer under division (B)(1) or (2) of this section is binding upon the tax commissioner for the remainder of the five-year period.

(5) When an election made under section 718.80 of the Revised Code is terminated, a valid election made under section 718.86 of the Revised Code is binding upon the tax administrator for the remainder of the five-year period.

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated municipal income tax return for that taxable year if the tax administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to

allocation of net profits to the municipal corporation. A taxpayer that is required to file a consolidated municipal income tax return for a taxable year shall file a consolidated municipal income tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the tax administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(D) A taxpayer shall prepare a consolidated municipal income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in section 718.01 of the Revised Code, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated municipal income tax return shall make any adjustment otherwise required under division (E) of section 718.01 of the Revised Code to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated municipal income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 718.02 of the Revised Code, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.



(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 718.02 of the Revised Code, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in section 718.02 of the Revised Code, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation;

(b) The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with this chapter on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(F) Corporations filing a consolidated municipal income tax return shall make the computations required under section 718.02 of the Revised Code by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(G) Each corporation filing a consolidated municipal income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by a municipal corporation in accordance with this chapter on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(H) Corporations and their affiliates that made an election or entered into an agreement with a municipal corporation before January 1, 2016, to file a consolidated or combined tax return with such municipal corporation

may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

**Sec. 718.08.** (A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for a municipal corporation's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to a municipal corporation for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Except as provided in division (F) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax administrator, if the amount payable as estimated taxes is at least two hundred dollars. For the purposes of this section:

(a) Taxes withheld from qualifying wages shall be considered as paid to the municipal corporation for which the taxes were withheld in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(c) Taxes withheld by a casino operator or by a lottery sales agent under section 718.031 of the Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.

(2) Except as provided in division (F) of this section, taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the tax administrator. Except as provided in division (F) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the tax administrator.

(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G)

of section 718.05 of the Revised Code or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the municipal corporation or tax administrator, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the tax liability for the taxable year;

(d) On For an individual, on or before the fifteenth day of the first month of the following taxable year, ninety per cent of the tax liability for the taxable year. For a person other than an individual, on or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with section 718.05 of the Revised Code.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to section 718.27 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year.

(3) The taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F)(1) A tax administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(2) A municipal corporation may, by ordinance or rule, waive the

requirement for filing a declaration of estimated taxes for all taxpayers.

**Sec. 718.27. (A)** As used in this section:

(1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by a municipal corporation provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.

(2) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.

(3) A "return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a tax administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(4) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(5) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(4) of this section.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to

be paid or remitted to the municipal corporation on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules, as adopted before January 1, 2016, of the municipal corporation to which the return is to be filed or the payment is to be made.

(C) Each municipal corporation levying a tax on income may impose on a taxpayer, employer, any agent of the employer, and any other payer, and must attempt to collect, the interest amounts and penalties prescribed under division (C) of this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the municipal corporation timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the municipal corporation any return required to be filed.

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, a municipal corporation may impose a penalty equal to fifteen per cent of the amount not timely paid.

(b) With respect to any unpaid withholding tax, a municipal corporation may impose a penalty ~~equal to~~ not exceeding fifty per cent of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, a municipal corporation may impose a penalty of twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed one hundred fifty dollars for each failure.

(D)(1) With respect to the income taxes, estimated income taxes, withholding taxes, and returns, no municipal corporation shall impose, seek to collect, or collect any penalty, amount of interest, charges, or additional fees not described in this section.

(2) With respect to the income taxes, estimated income taxes, withholding taxes, and returns not described in division (A) of this section, nothing in this section requires a municipal corporation to refund or credit any penalty, amount of interest, charges, or additional fees that the municipal corporation has properly imposed or collected before January 1,



2016.

(E) Nothing in this section limits the authority of a municipal corporation to abate or partially abate penalties or interest imposed under this section when the tax administrator determines, in the tax administrator's sole discretion, that such abatement is appropriate.

(F) By the thirty-first day of October of each year the municipal corporation shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The municipal corporation may impose on the taxpayer, employer, any agent of the employer, or any other payer the municipal corporation's post-judgment collection costs and fees, including attorney's fees.

**Sec. 718.60.** (A) There is hereby created the municipal income tax net operating loss review committee for the purpose of evaluating and quantifying the potential fiscal impact to municipal corporations levying an income tax of requiring such municipal corporations to allow taxpayers to carry forward net operating losses for five years. The committee is a public body for the purposes of section 121.22 of the Revised Code.

(B) The committee shall be composed of the following members:

(1) Two members of the house of representatives who are not of the same political party, appointed by the speaker of the house of representatives;

(2) Two members of the senate who are not of the same political party, appointed by the president of the senate;

(3) Three members representing municipal income taxpayers, appointed by the speaker of the house of representatives;

(4) Three members representing municipal corporations that levy an income tax in calendar year 2016, appointed by the president of the senate. At least two of the members appointed under division (B)(4) of this section shall represent municipal corporations that do not allow taxpayers to carry forward net operating losses to future taxable years.

(5) One member appointed by the governor, who shall serve as the chairperson of the committee.

An appointed member shall serve until the member resigns or is removed by the member's appointing authority. Vacancies shall be filled in the same manner as original appointments. A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee.

The committee shall meet at the call of the chairperson. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority

of the members of the committee is necessary to approve the report issued by the committee under division (D) of this section. Members of the committee shall not be compensated or reimbursed for members' expenses.

(C)(1) As used in this section, "reporting municipal corporation" means any municipal corporation that does not allow net operating losses incurred before January 1, 2017, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) On or before August 31, 2021, each reporting municipal corporation shall report to the municipal income tax net operating loss review committee the difference between (a) the municipal corporation's actual municipal income tax revenue received for taxable years ending in 2018 and 2019 and (b) the projected amount of municipal income tax revenue that the municipal corporation would have received for taxable years ending in 2018 and 2019 if the municipal corporation were not required to allow net operating losses incurred in prior taxable years to be carried forward to taxable years ending in 2018 or 2019. Each municipal corporation's calculations shall be made using the microsimulation model adopted by the committee at its meeting on May 5, 2016, but applied to taxable years ending in 2018 and 2019.

(D) The municipal income tax net operating loss review committee shall review the information reported by municipal corporations under division (C) of this section and calculate the total of the revenue effects reported by such municipal corporations. On or before May 1, 2022, the committee shall issue a written report to the speaker and minority leader of the house of representatives and the president and minority leader of the senate reporting the committee's findings and the estimated revenue impact of requiring municipal corporations levying an income tax to allow net operating loss to be carried forward for five years. The report shall contain recommendations to address revenue shortfalls, which may include, but which shall not be limited to, the use of supplemental funds from the local government fund to mitigate those shortfalls.

(E) Nothing in this section delays or otherwise affects the taxable years to which division ~~(E)(8)(D)(3)~~ of section 718.01 of the Revised Code applies as prescribed in that division.

(F) The municipal income tax net operating loss review committee shall cease to exist on May 1, 2022.

Sec. 718.80. (A) A taxpayer may elect to be subject to sections 718.80 to 718.95 of the Revised Code in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply:

(1) The tax commissioner shall serve as the sole administrator of each



**ORDINANCE NO. 067-17**

**AN ORDINANCE AMENDING THE ALLOCATION OF FUNDS AS  
FOUND IN SECTIONS 193.11 AND 194.013 OF THE CODIFIED  
ORDINANCES OF THE CITY OF NAPOLEON, OHIO; AND  
DECLARING AN EMERGENCY**

**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, 2018, 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 sixty two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty eight percent (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, 2019 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 fifty percent (50%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least fifty percent (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 Ordinance, is repealed effective December 31, 2017 at 11:59 PM.

Section 3. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“194.013 ALLOCATION OF FUNDS.

(A) Effective January 1, 2018, 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 sixty two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty eight percent (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, 2019 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 fifty percent (50%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least fifty percent (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 4. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2017 at 11:59 PM.

Section 5. 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 6. 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 7. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for passage before the deadline; moreover, this must timely

take effect to meet the intent of the law; 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: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, 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. 067-17 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. 068-17**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
RULES AND REGULATIONS OF CITY COUNCIL FOR THE CITY  
OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, City Council previously created an ad hoc committee entitled the “Council Rules and Review Committee” and said ad hoc committee met in regular meetings to review with staff the Rules and Regulations of City Council for the City of Napoleon, Ohio; and,

**WHEREAS**, after review and recommendation from the Law Director the Council Rules and Review Committee accepted proposed amendments from the Law Director and sent the issue of amendment of the Council rules to the full body of Council; and,

**WHEREAS**, City Council met at a regular meeting and discussed said amendments and thereafter the City Council moved for the Law Director to bring back appropriate legislation approving said amendments as listed in attached “Exhibit A”; and,

**WHEREAS**, City Council acknowledges that from time to time it must review the various rules and regulations of the City of Napoleon; and,

**WHEREAS**, City Council now desires to amend the Rules and Regulations for the City Council for the City of Napoleon; **Now Therefore**,

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

Section 1. That, the City of Napoleon does hereby amend the Rules and Regulations of City Council for the City of Napoleon, as set forth in “Exhibit A” which is attached and incorporated herein.

Section 2. That, it is found and determined that all formal action 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 3. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely and efficient passage of said rules; therefore, provided the required number of votes for passage as emergency legislation, it shall be in

full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law

Passed: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, 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. 068-17 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*

RULES  
AND  
REGULATIONS  
OF  
CITY COUNCIL

CITY OF NAPOLEON, OHIO

#CRR-2001

# HISTORY

**Adopted - January 3, 1994 - Ordinance No. 1-94**

**Repealed In Entirety And Adopted - October 3, 1994 - Ordinance No. 85-94**

**Amended - November 21, 1994 - Ordinance No. 104-94**

**Amended - January 3, 1995 - Ordinance No. 1-95 - Repealed Ordinance No. 104-94**

**Amended - June 2, 1997 - Ordinance No. 53-97**

**Amended - September 15, 1997 - Ordinance No. 78-97**

**Amended - December 22, 1997 - Ordinance No. 123-97**

**Amended - March 29, 1999 - Ordinance No. 18-99**

**Amended - October 4, 1999 - Ordinance No. 71-99**

**Repealed In Entirety And Adopted June 4, 2001 - Ordinance No. 67-01**

**Amended – July 21, 2003 – Ordinance No. 70-03**

**Amended – January 19, 2004 – Resolution No. 122-03**

**Amended – October 6, 2008 – Ordinance No. 078-08**

**Amended – April 6, 2009 – Ordinance No. 028-09**

**Amended – January 16, 2012 – Ordinance No. 007-12**

**Amended – June 15, 2015 – Ordinance No. 029-15**

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**RULE 1      MEETINGS, PLACE, TIME OF CONVEYING, QUORUM, ORDER OF BUSINESS**

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**Rule 1.1      Place of Meetings**

All meetings of the council shall be held in the place designated as council chamber in the city municipal building, unless otherwise ordered by the council.

**Rule 1.2      Public Meetings**

Except as provided by charter, ordinance, resolution, rule or statute, all meetings of the council or committees thereof shall be public, and, upon request of any citizen desiring to be heard on any matter then under consideration by the council, the council may hear the citizen or, on motion, send it to a committee and hear such citizen at such time and for such period as council or the committee may determine. Persons desiring to be heard by any committee of council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. All public comments, whether at council or at committee meetings, shall be limited to five (5) minutes per person, unless council president or committee chairperson grants an extension. Each extension shall be for an additional five (5) minutes, unless council president or committee chairperson states at the time of granting the extension any other increment. All minutes and the record of the council shall be open to the public at all reasonable times.

**Rule 1.3      Regular Meetings**

The council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the council shall meet on the following day.

**Rule 1.4      Special Meetings**

Special meetings may be called by a vote of council taken at any meeting thereof, or by the clerk of council upon written request of the council president, the mayor or any three (3) council members. Any such request shall state the time, place, date and purpose of the meeting. Notice in writing of each special meeting called, except by approved motion of council, shall be given to each council member and the mayor not less than twenty-four (24) hours prior to the meeting by serving the same to each of them personally, by leaving a copy thereof at his or her usual place of residence, or by electronic mail or by facsimile transmission when the council member or mayor authorizes electronic or facsimile notice. Service of notice may be waived in writing and shall be deemed conclusively to be waived by attendance at the special meeting. If the mayor or any council member is absent, notice in writing of the special meeting and the results thereof shall be given promptly after such meeting to each absentee in the manner hereinbefore provided. Public notice of each special meeting shall be given pursuant to Chapter 103 of the Codified Ordinances.

**Rule 1.5      Emergency Meetings**

Emergency meetings may be called when a situation or situations requires immediate official action as determined in the sole and final judgment of the person or persons authorized above to call a special meeting. An emergency meeting shall be considered a “special meeting” of an emergency nature. For such meeting, any notice requirement as required for a special meeting shall be an immediate notice.

**Rule 1.6      Adjournment**

Any regular or special meeting of council may be reconvened after adjournment or recess to another time, date or place without giving additional notice, so long as the time, date or place is announced at the meeting prior to adjournment or recess.

**Rule 1.7      Quorum**

A majority of the current members of council shall constitute a quorum for the transaction of business at any council meeting, but a number less than a quorum may adjourn a meeting and compel the attendance of absent members in such manner and under such penalties as council may provide.

**Rule 1.8      Order Of Business****Rule 1.8.1    The Clerk**

The clerk shall note the attendance of the council members, the mayor and administrative staff at the call of the meeting.

**Rule 1.8.2    Prayer****Rule 1.8.3    Pledge of Allegiance****Rule 1.8.4    Minutes**

(In the absence of any objections or corrections, minutes shall stand approved, see rule 2.1)

**Rule 1.8.5    Citizen Communication****Rule 1.8.6    Report from Committees****Rule 1.8.7    Second Reading Of Ordinances And Resolutions****Rule 1.8.8    Third Reading Of Ordinances And Resolutions****Rule 1.8.9    Any Other Business As May Properly Come Before Council (Pay Bills),  
(Miscellaneous), Action/Discussion, Etc.****Rule 1.8.10   Adjournment****Rule 1.8.11   Introduction Of Items By The Presiding Officer**

The presiding officer may, without objection, permit a member to introduce an ordinance, resolution, or motion out of the regular order or rearrange the agenda.

**Rule 1.8.12   Payment Of Bills**

The city bills shall stand approved unless a bill or bills are otherwise disapproved by motion of council. The city finance director, in director's sole discretion, may pay bills prior to approval when deemed necessary. This rule is not to be construed in any way to limit council's authority to review bills.

**Rule 1.9 Council Agenda**

Clerk shall set the council agenda with approval of the council president. Failure of the council president to approve within twenty-four (24) hours of the clerk sending the agenda constitutes approval. It shall be the duty of the clerk to have set aside conspicuously in the city record a portion to be entitled the "agenda". Under this title the clerk shall arrange and have printed in consecutive order by title ordinances and resolutions that are on for passage at the next meeting of council. When action upon any measure appearing upon the agenda is postponed to a day certain, such measure shall be considered on said day to which postponed whether or not it appears on the agenda of said day. The mayor or three (3) council members may add items to the agenda.

**Rule 1.10 Agenda for the Organizational Meeting**

In addition to the normal agenda the agenda for the organizational meeting shall include, in this order:

1. Call to Order by Clerk of Council.
2. Prayer and Pledge of Allegiance.
3. Swearing in (Oath of Office) of Mayor and Council Members Elect.
4. Election of President of Council.
5. Election of President Pro-Tem of Council.
6. Seating Order of City Council.
7. Appointment of Standing Committees of Council.
8. Appointment of Personnel Committee.
9. Setting of Meeting Dates and Times for Regular Meetings of Council.
10. Setting of Meetings Dates and Times for Standing Committees of Council.
11. Appointment of Clerk of Council.

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**RULE 2      OFFICERS AND EMPLOYEES OF COUNCIL**

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**Rule 2.1      Presiding Officer**

The president of council, and in the president's absence, the president of council pro-tem, shall preside over the meetings of the council until the president arrives. In the absence of both the president and president pro-tem the city clerk shall call the council to order; and if after the roll is noted and a quorum is present, the council shall choose one of its members as "presiding officer" who shall preside until the president or president pro-tem of council arrives. The president pro-tem or presiding officer shall discharge all the duties and be cloaked with all the powers of the president of council during, but not beyond, that specific meeting, except as provided in the city charter. (In no case shall the president pro-tem possess the power and authority of the mayor when the council president is in the dual capacity of acting mayor and council president.) The presiding officer shall sign all documents (i.e. resolutions and ordinances) as the presiding officer. Except as provided above, the presiding officer shall call all meetings of the council to order at the hour appointed and shall proceed with the order of business. In any case, if a quorum is present, the presiding officer shall give the members an opportunity for correcting the journal of the previous meeting as delivered. In the absence of any objections or corrections, the minutes shall stand approved. The presiding officer shall preserve order and decorum, prevent personal attacks or the impugning of members motives, confine members in debate to the question under discussion, and decide all points of order subject to an appeal to the council.

**Rule 2.2      Votes Necessary for Election of Officers and Employees**

Except as herein provided, no candidate for president or president pro-tem of council shall be declared elected unless the person shall have received a majority vote of all current members of council, and no person shall be employed by this council except pursuant to a majority vote of all current members of council. No vacancy that council is authorized to fill shall be filled except pursuant to majority vote of all current members of council. In the event of a tie vote of the current members of council when electing the president and/or present pro-tem as provided for in this Rule 2.2, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of council.

**Rule 2.3      Roll Call Votes**

Upon the roll call for the election of president and president pro-tem of council, or employee of council, or for filling any vacancy in the membership of council, each member shall respond by stating the name of the candidate of their choice eligible for such office or appointment. Once a response is given by a member, a motion may be made for nomination for appointment or position. If the motion receives a second (2nd), said person shall become eligible for such office or position. A vote in the open shall be taken among all current members of council for filling such office or position. Rule 2.2 shall control in determining who is elected.

## **Rule 2.4      Protocol for Election of President and President Pro-Tem**

In separate actions, the Clerk of Council shall request each member of Council for a name of a candidate for President of Council and a name of a candidate for President Pro-Tem of Council. This shall be asked by first in elected or appointed seniority order (Seniority Or der defined as the number of total consecutive years served on City Council from the latest appointment or election date with no break in service), and then alphabetically by last name order for those with equal number of years.

When requested by the Clerk of Council for a nomination for President or President Pro-Tem of Council, each Council Member may: 1) state a name 2) may state their own name 3) may pass if name has already been previously stated and a motion made. Once a name is stated a motion will be requested for the stated name. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President or President Pro-Tem of Council. Members of Council may nominate themselves for President or President Pro-Tem of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by the next person in line.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote **Yes** or **No** on each name presented. The person receiving a clear majority of Yes votes shall be appointed to the office President or President Pro-Tem of Council. In the case of a tie vote on three (3) or more names, than a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. Members of Council may Vote for themselves for President or President Pro-Tem of Council.

## **Rule 2.5      Seating Order for Council**

Seating Order shall be from President to President Pro-Tem to Seniority Order, as listed in the example below, unless modified by a majority vote of Council:

### **COUNCIL SEATING ORDER**

Mayor	President
1st Senior	President Pro-Tem
3rd Senior	2nd Senior
5th Senior	4th Senior

A motion to approve to the Seating Order will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Seating Order of Council. If a simple majority is received, then Seating Order of Council stands approved.

## **Rule 2.6      City Clerk**

The council shall establish a procedure to select a name for clerk of council. Once a name is selected, if a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the clerk of council. If a simple majority is received, then the appointment of the clerk of council stands approved. Failure to get approval by city council would require the city council to submit a different name for appointment and vote. The clerk shall keep the record of the council, and he or she shall be the editor of the city record. He or she shall keep a proper file of all papers and documents that are a part of the transactions of the council, of meetings of committees, and all orders of the council, and shall make such records available to the public when required by law. He or she shall cause to be kept minutes of each meeting, which shall be kept in record form and made available for public inspection when required by law. The record of meetings shall be kept electronically or in the form of loose sheet records and need not be printed in the city record nor copied in any other book. The city record shall contain attendance of members at the meetings. In addition, the clerk shall report to council the absence of members from council meetings and shall perform such other and further duties as may from time to time by charter, ordinance, resolution, rule or statute be required of him or her. The city clerk, as editor of the city record, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and printing of the city record the clerk is cloaked with the power and authority to correct clearly typographical errors in all minutes, ordinances, resolutions, motions, or other measures, without prior or subsequent action of council.

### **Rule 2.6.1    Title of All Ordinance and Resolutions**

The title of all ordinances and resolutions shall be confined to a brief statement of the subject matter of the bill and shall be printed in bold face type.

### **Rule 2.6.2    Preambles**

Preambles or “whereas” in ordinances and resolutions shall be restricted to one paragraph, except where a “whereas” is an essential part of the ordinance or resolution.

### **Rule 2.6.3    Ordinances and Resolutions**

Ordinances and resolutions shall, in their preparation, be divided into short sections, whenever practicable, in order to permit amendments being made without printing so much of the original ordinance or resolution.

### **Rule 2.6.4    The Minutes**

The minutes, if any, proceedings and reports of any administrative boards or any committee, shall be prepared and kept in the clerk's office.

### **Rule 2.6.5    Cumulative Subject Index**

Once each year the clerk shall prepare for distribution and print in the city record a cumulative subject index covering the ordinances and resolutions passed by council.



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## **RULE 3      COMMITTEES**

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### **Rule 3.1      Standing Committees of Council**

The following standing Committees of Council have been established by Charter:

Rule 3.1.1    Finance and Budget

Rule 3.1.2    Safety and Human Resources

Rule 3.1.3    Electric

Rule 3.1.4    Water, Sewer, Refuse, Recycling and Litter

Rule 3.1.5    Parks and Recreation

Rule 3.1.6    Technology and Communication

Rule 3.1.7    Municipal Properties, Building, Land Use and Economic Development

#### **Rule 3.1.8    The Appointment of Standing Committees**

The council president shall select and appoint the standing committees, subject to approval of council. If council fails to act by January 31<sup>st</sup> next following the organizational meeting of council, the selections and appointments of the council president shall become effective. Prior to selection or appointment to the standing committees, the council president may allow in an open council meeting for members of council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

Once Committee members are selected, the President of Council should declare appointments made. A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, then the Appointment of Standing Committees stands approved. Failure to get approval by City Council would require the procedure to be follow again until a simple majority vote of Council is received.

Each standing committee shall consist of three (3) council members. Each council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a whole. The mayor shall serve as an ad hoc member of the finance and budget committee, and the municipal properties, buildings, land use and economic development committee, with full voting rights in both committees.

In the event there is a lack of a quorum at any standing committee meeting, the most senior member of council who is not a member of the committee present at the meeting may act and continue to act as a pro-tem standing committee member thereto, with full voting rights therein, until such regular standing committee member arrives.

### **Rule 3.2      Committee Meetings**

A majority of the members of a committee shall constitute a quorum for the transaction of business. Council President, Clerk of council and Chairperson of standing committee shall set their respective regular monthly date and time of their standing committee. Once the regular monthly dates and times are set for the committee meetings, a motion may be made and a vote taken by council to approve and affirm the dates and times. The schedule shall be posted upon the bulletin board in the city's principal municipal building. Should the chairperson of a committee find it necessary to hold the meeting at another time or place, notice shall be provided pursuant to chapter 103 of the codified ordinances. All committee meetings shall be open, (except that, upon approved motion, an executive session may be entered into for a proper purpose) and committee report containing a record of the attendance of members of the committee and the action taken thereat shall be kept by the committee in a record provided for that purpose. Such record shall be kept on file with the clerk of council and open to public inspection as other public records. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of the committee, may, upon the recommendation of the committee cause the removal of the member from the committee by the president of council (except that the mayor may not be removed by the council president from committees that the mayor serves pursuant to the city charter). No legislation shall be amended while in committee, and it shall be the duty of the committee to recommend to council the approval, disapproval, or amendment of any legislation under consideration by the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval, or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present. Committee meetings may be called as study sessions whereupon, unless permitted by the chairman, no person from the audience will be given the floor to speak.

### **Rule 3.3      Committee Rules**

Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to council proceedings.

### **Rule 3.4      Committee Reports**

No proposed ordinance, resolution, petition, or other matter shall be considered by a committee unless referred thereto by council, the council president or the mayor. No ordinance, resolution, petition, or other matter which has been referred, except as provided for in Rule 6.12, shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting called as provided for herein. The question of the recommendation for approval or disapproval on any matter shall be put by the chairman upon motion of any member, which shall not require a second. If a majority of the members of the committee vote affirmatively on such matter shall be reported forthwith to council as a non-adverse recommendation, but if a majority of the members of the committee vote negatively on the question, the matter shall be reported forthwith to council as an adverse recommendation. The vote on all matters before the committee

shall be recorded in the committee minutes. When a majority of the committee has reported, recommending or not recommending action of the matter under consideration the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report. Reports may merely consist of the recommendation of the committee, the body of council relying on the committee minutes for explanation. If a committee cannot reach an affirmation or negative recommendation after three (3) considerations, it shall be reported out as no recommendation, unless the time is extended by approval of council.

### **Rule 3.5      Ad Hoc Committees**

When no committee exists to cover a given topic for consideration, the president of council may, upon approved motion, appoint an “ad hoc” committee made up of those members of council deemed appropriate by the president. The president shall appoint a chairman thereof.

### **Rule 3.6      Committee Members**

Upon approved motion of council, committee members (except the mayor as a committee member on a committee he or she is required to serve on pursuant to the city's charter) at any time may be removed from any committee they are currently serving and be placed on a substitute committee.

### **Rule 3.7      Council Members Ad Hoc Members of Committees**

The council president may at will appoint ad hoc committees, subject to approval of council, except as may otherwise be provided by the city's charter, ordinance, or resolution regarding membership thereof. Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members may attend committee meetings as an ex-officio ad hoc member thereto without the necessity of calling for a committee of the whole; moreover, such gathering shall not constitute or be construed as a regular or special council meeting, as such meetings shall follow the rules applicable to committee meetings; however, any council person, who is not a regular member of the convened committee, serving as such ex-officio ad hoc member thereof, should be a mere passive observer in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed as to prohibit such council person from answering questions when inquired of by the committee, nor does it bar a council person from entering into discussions with the committee; however, no such council person, as an ex-officio ad hoc member, (except as provided in rule 3.1 that provides for a pro tem member) may make a motion, second a motion, or vote on any issue before the committee while in committee. Nothing contained herein shall be construed to bar such council person from participating in discussions, motions, voting or other action when the subject matter is considered by the council as a whole. This provision is not to be construed to prevent council persons appointed to ad hoc committees from carrying out their role as a committee member. Finally, (except as provided in rule 3.1 that provides for a pro tem member) the absence or presence of an ad hoc ex-officio council member at a committee meeting shall not affect the number required for a quorum in order to function as a committee.

### **Rule 3.8      Joint Sessions Of Committees, Boards, Commissions**

Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members, committee members, board members or commission members may attend meetings of each other; however, if attended for the purpose of a prearranged discussion

of the public business by a majority of its members, it should be published as a joint session and called and conducted as such. Both bodies should call their respective body to order and have minutes taken and prepared for each. Visiting members of bodies, other than that body scheduled for an official session, may attend; however, if a quorum of the visiting body should happen to formulate, then those visiting attendees shall be mere passive observers in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed to mean that council meetings are required to call “joint session” with committees of council while meeting as a council of the whole.

### **Rule 3.9      Personnel Committee**

A personnel committee, consisting of the mayor and two (2) council members appointed by the council president is established by the charter. Council President shall appoint two (2) Council members to the Personnel Committee. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Appointment of Personnel Committee. If a simple majority is received, then the Appointment of the Personnel Committee stands approved. Failure to get approval by City Council would require the Council President to re-submit names for appointment and vote.

The personnel committee shall, when a vacancy exists for the office of city manager, city finance director or city law director due to death, resignation, or removal, investigate and subsequently recommend in writing one (1) or more suitable persons for appointment. The members of the personnel committee shall select one (1) of its members as chairperson. All recommendations of the personnel committee shall be presented by the mayor to council as a whole.

### **Rule 3.10      Audit Committee**

Notwithstanding any rule to the contrary, the finance and budget committee of the city council shall also serve as the “audit committee” of the city. The audit committee shall serve as a liaison between management and its auditors, where the primary functions of such committee shall be to monitor and review the city’s accounting and financial reporting practices and to follow up on citations and recommendations made by its auditors. The audit committee meeting may but is not required to be published separate and apart from any finance and budget committee meeting; however, matters considered by the audit committee shall perform its functions at least quarterly each year; moreover, the committee should be made available to the auditors before and after each audit.

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**RULE 4      DUTIES OF MEMBERS**

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**Rule 4.1      Duties, Privileges, and Decorum of Members****Rule 4.1.1      Attendance**

The clerk shall publish in the city record the names of the members present and absent and if appropriate the time of arrival or departure.

**Rule 4.1.2      Duty To vote**

Every member present shall vote on all questions upon the call of the vote, except in case of conflict. A vote shall be yea or nay or an equivalent thereof. No member shall vote on any question in which such member is financially interested, unless otherwise permitted by law, or which in any way involves personal or private rights. The mere abstention does not vacate the seat nor reduce or enlarge the required number of votes required for passage or defeat of any motion, ordinance, resolution or other measure.

**Rule 4.1.3      Recording Votes**

On the passage of every ordinance, resolution or motion and on the appointment of every officer, the vote shall be taken by yeas and nays or an equivalent thereof, entered in full upon the records, and published in the official journal. Upon the call of the yeas and nays the clerk shall call the names of members in the following manner:

- 1)      The member immediately to the right of the member who voted first (1st) at the prior regular council meeting shall be called first (1st), then followed by the remaining member nearest to their right until every member has voted or otherwise abstained.

**Rule 4.2      Right of Floor**

When any member is about to address the council, the member shall respectfully address themselves to the presiding officer, and when recognized by the chair shall confine themselves to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two (2) or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under rule 4.5.

**Rule 4.3      Time Limits for Speaking**

No member shall be allowed to speak for a longer time than five (5) minutes at any one (1) time without permission of the council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion shall have had an opportunity to do so, nor shall the mayor nor any manager or staff member speak longer than five (5) minutes upon the same motion, ordinance, or question without the consent of the council.

**Rule 4.4      Member Called to Order**

If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall call the offending member to order. The member so called to order shall refrain from further speaking unless permitted by the presiding officer to explain. Any member may, by raising the point of order, call the attention of the presiding officer to such transgression. The point of order shall be decided by the presiding officer without debate. Every such decision of the presiding officer shall be subject to appeal to the council by any two (2) members.

**Rule 4.5      Appeal from Ruling of Chair**

Any member may appeal to the council from a ruling of the presiding officer, the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

**Rule 4.6      Reading from Written Matter**

Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 4.3.

**Rule 4.7      Personal Privilege**

Any member may rise to explain a matter personal to himself and on stating that it is a matter of personal privilege, he or she shall be recognized by the presiding officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five (5) minutes of time unless extended by consent of the council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

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**RULE 5      MOTIONS**

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**Rule 5.1      Motions in General**

Council may take action by a motion approved by a vote of at least a majority of those attending the meeting, unless otherwise a greater majority is provided by charter provision, ordinance, resolution, or rule, and when action by ordinance or resolution is not otherwise required.

The use of a motion is ordinarily in the parliamentary procedure to expedite and control the deliberations of the legislative authority in the transaction of business. As a general rule, however, the council authority may act by motion where the legislative character of the action is not involved.

**Rule 5.2      Purpose and Form Of Motions**

Motions shall be used to expedite the orderly transaction of the business of council and shall not be substituted for resolutions or ordinances. A second (2nd) shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the presiding officer before any debate shall be in order. All motions which have been entertained by the presiding officer shall be entered upon the minutes.

**Rule 5.3      Precedence of Motions**

When a question is before the council no motion shall be entertained except the following:

- Rule 5.3.1    To Enter Executive Session
- Rule 5.3.2    To Adjourn
- Rule 5.3.3    To Fix The Hour Of Adjournment
- Rule 5.3.4    For The Previous Question
- Rule 5.3.5    To Lay On The Table
- Rule 5.3.6    To Suspend Rules
- Rule 5.3.7    To Refer To A Committee
- Rule 5.3.8    To Amend

These motions shall have precedence in the order indicated. The Motion to adjourn and the motion for the previous question shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

**Rule 5.4      Questions**

Any member may ask the presiding officer to call the main questions and it is up to the presiding officer to recognize or not the member's request.

**Rule 5.5      Motion to Lay On The Table**

The motion to lay on the table shall dispose of the action unless removed from the table by the majority of all current members of council.

**Rule 5.6      Reconsideration by Motion Of Council**

After the decision of any question, any member who voted with the majority may move for reconsideration of any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all current members of council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the all current members of council (example for illustration only; to correct error).

**Rule 5.7      Reconsideration by Order of Mayor**

Upon failure of any ordinance or resolution, the mayor may order a one (1) time reconsideration by council, so long as such order is made at the same council meeting when the ordinance or resolution failed. No motion is required of council upon an order of reconsideration and, the council shall immediately reconsider the proposed ordinance or resolution at that meeting.



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**RULE 6      ORDINANCES AND RESOLUTIONS**

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**Rule 6.1      Character of Ordinance or Resolution**

The nature of the subject matter determines the character of the legislation as an ordinance or resolution and not the form or designation applied by council. If the substance of a legislative act is such that it should be an ordinance, and all the rules prescribed for the adoption or passage and publication of ordinances have been observed and complied with, it takes effect as an ordinance; and vice versa as to a resolution.

**Rule 6.2      Ordinances and Resolutions**

Each proposed ordinance or resolution shall be introduced in writing and the adoption, effective date, revision, amendment and signing thereof shall be as provided by the laws of Ohio, except as otherwise provided by the city's charter or, where not so otherwise provided by the charter, then, as council may provide otherwise by ordinance or resolution. Nevertheless, where the charter or council may not be contrary to Ohio law as it relates to adoption, effective date, revision, amendment or signing of ordinances or resolutions, due to the subject matter, as determined in case law by a court of competent jurisdiction, it shall be as provided by the laws of Ohio.

**Rule 6.2.1      Presiding Officer to Present Legislation**

The presiding officer shall present the ordinance and resolution to open the floor for discussion. Introduction shall be by title in the same manner as prescribed for passage (see rule 6.3). At any time a motion may be entered to further or dispose of the ordinance or resolution.

An ordinance or resolution shall be introduced only by written introduction. Said ordinance or resolution shall receive first (1st) reading and a vote taken thereof. If approved after first (1st) reading, said ordinance or resolution shall receive a second (2nd) reading at the next meeting of council. If said ordinance or resolution is approved at the second (2nd) reading, said ordinance or resolution shall have a third (3rd) reading for passage or defeat at the next meeting of council. Second (2nd) and third (3rd) readings may be dispensed with by motion and approval of council (suspension of rules). A majority of current council members is required for first (1st) and second (2nd) readings, and for any final passage of any ordinance or resolution. Ordinances or resolutions which are amended on the third (3rd) reading shall automatically receive the status of second (2nd) reading and shall receive an additional reading at the next meeting, unless said rule is suspended.

Nothing in this rule shall be construed as to prohibit the reading in full of any ordinance or resolution, and if the same is read in full, it shall not affect the validity thereof.

**Rule 6.2.2      Law Director Review**

Every ordinance and resolution shall be reviewed by the city's department of law before its enactment.

### **Rule 6.3      Passage Requirements/Suspension of Rules/Emergency Clause**

Except as may otherwise be provided in the charter and/or rule 6.2 regarding certain subject matter legislation, all ordinances, resolutions, motions or other actions, except procedural matters, shall be valid and effective when enacted or passed by the affirmative vote of a majority of the current members of council. Each ordinance and resolution shall be read on three (3) separate days, unless this requirement is dispensed with by an affirmative vote of at least two-thirds (2/3) of the current members of council. Readings shall be by title only, unless the council requires readings be taken in full by an affirmative vote of its members. Council may pass an ordinance or resolution as an emergency measure by the affirmative vote of two-thirds (2/3) or more of the current members of council. Except as may otherwise be provided in the charter, council may take action upon any other procedural matter by the affirmative vote of a majority of those council members present at the meeting. Motions may not be a substitute for an ordinance or resolution; however, the reverse is acceptable. Approval of appointments may be by motion. Removals may be by motion, regardless if the appointment was made in the form of an ordinance or resolution.

If such emergency measure fails to receive the affirmative two-thirds (2/3) vote or more of all current members, but receives at least a majority vote of all current members, the ordinance or resolution shall be considered approved for the current reading as a non-emergency measure. An emergency clause may be added at any time by proper amendment.

### **Rule 6.4      Signing and Delivery to Mayor; Veto**

Upon passage, every ordinance and resolution of council shall be signed by the presiding officer and shall be presented promptly to the mayor for his or her approval. If the mayor approves the ordinance or resolution as presented, he or she shall sign it. If the mayor does not approve the ordinance or resolution presented, in whole, he or she shall, during the same meeting when the ordinance or resolution was passed, veto such ordinance or resolution and during such meeting make a statement of his or her objections. Upon receipt of the mayor's veto and objections, council may reconsider its vote by approved motion utilizing any reconsideration process established. Upon reconsideration, if council approves the ordinance or resolution by two-thirds (2/3) of the current members of council, it shall take effect the same as if it had received the mayor's approval and signature. In the event the mayor is unable to attend a council meeting where an ordinance or resolution is being considered for passage, and the mayor has prior notice thereto, the mayor may exercise his or her veto by filing the same in writing, along with his or her objections, with the clerk of council prior to the meeting. If the ordinance or resolution is passed, the council clerk shall present the written veto and objections to the presiding officer on the mayor's behalf. The presentment of the same shall be treated as a valid veto and the procedure herebefore provided shall be followed as though the mayor was present. In the event that the mayor is absent from a council meeting and an ordinance or resolution is presented for passage without prior notice to the mayor, the mayor shall be permitted ten (10) calendar days from the date of passage to exercise a veto which may be exercised in writing in the manner herebefore provided. The failure of the mayor to strictly follow the veto procedure as contained herein shall constitute a complete waiver thereof and the ordinance or resolution shall stand enacted; moreover, the mere failure or refusal of the mayor or presiding officer to sign an ordinance or resolution shall not invalidate the ordinance or resolution.

**Rule 6.5      Publishing of Ordinance and Resolutions**

All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or resolutions containing words in excess of one word may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of ordinances or resolutions by summary, there shall be a notice in such publication that a copy of the complete ordinance or resolution is on file in the office of the clerk of council for inspection during business hours and that copies of such ordinance or resolution shall be furnished to any person, upon request, for a reasonable fee. The city law director shall review all proposed summary form publication for legal accuracy and sufficiency prior to publication. The clerk of council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten (10) calendar days immediately following the notice. Nothing in this section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the city, or there are no electronic media available, council may provide some other method of publication or giving notice of ordinances and resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the city.

**Rule 6.6      A Resolution Enacting Clause May Be**

“Be it resolved by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it resolved by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive.

**Rule 6.7      An Ordinance Enacting Clause May Be**

“Be it ordained by the council of the City of Napoleon, Ohio.”

or

“Be it ordained by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it enacted by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive

**Rule 6.8      Except Those Submitted By Initiative Petition, Which Shall Be**

“Be it ordained by the people of the City of Napoleon, Ohio.”

**Rule 6.9      Form and Amendments**

All ordinances before introduction shall be in typewritten form. When practical, no ordinance or resolution or section thereof shall be revised or amended unless the new

ordinance or resolution contains the entire ordinance or resolution, or section or subsection revised or amended, and the original ordinance, resolution, section, or sections or subsections so amended shall be repealed. A section shall be construed as a section number or individual letter or subsection of a larger section thereof. A strikeout feature is an acceptable procedure to demonstrate change or modification in legislation.

**Rule 6.10      Reference to Committee Regarding Legislation**

Any ordinance or resolution referred to committee shall, after due consideration and at least one (1) meeting, report the same back with or without recommendations for approval or disapproval for introduction and/or action; if introduced then or previously, it shall be acted upon in accordance with these rules.

**Rule 6.11      Committee Referrals**

Any pending ordinance, resolution, petition, or other matter of a non-emergency status may, be referred by the council president to any committee to which previously referred under these rules, or to any appropriate committee so designated for purpose of study and/or recommendation. Unless otherwise objected to by approved motion of council the referral shall be deemed approved. Any ordinance, resolution, petition or other matter of an emergency status may be referred by the council president or mayor without necessity of approval of council. In any case, when referred back to the council, such ordinance, resolution, petition, or other matter shall have the same standing as it had at the time when referred. Nothing in this rule shall be construed as limiting the authority of council as a whole to refer any ordinance, resolution, petition or other matter to a committee. (See also rule 3.4)

**Rule 6.12      Relieving Committee**

Upon vote of the majority of the current members of council a committee may be relieved of it's duties to consider an ordinance or resolution and the council as a whole may proceed with the steps of passage or defeat of such ordinance or resolution.

**Rule 6.13      Advance Production of Ordinances and Resolutions**

When practical, copies of all first (1st) reading of ordinances and resolutions to be introduced for passage and adoption under suspension of the rules (without reading on three (3) separate days) shall be delivered to each member of the council for viewing at least twenty-four (24) hours prior to the date of introduction. No objection to this rule by the affected council member shall be a waiver thereof.

**Rule 6.14      Ordinances Appropriating Money**

No money shall be appropriated except by ordinance or resolution.

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**RULE 7      DEPARTMENT HEADS**

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**Rule 7.1      Attendance of Department Heads**

The heads of all departments, unless excused by the department director or president of council, shall be required to attend the regular and special meetings of council. Further, the city manager, city finance director and city law director, unless excused by the president of council or the body of council, shall be required to attend the regular, special meetings and emergency meetings of council and shall be provided with seats on the floor of the council chambers. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the council. The mayor shall be entitled to take part in the discussion on all questions before the council.

**Rule 7.2      Clerk's Report on Pending Measures**

The city clerk shall keep the members of council informed regarding the status of pending ordinances and resolutions. All ordinances and resolutions to be acted upon by committees or the council on Monday should as a general rule be in the hands of the clerk not later than the preceding Thursday at 11:00 a.m.

**Rule 7.3      Approval of Mayor's Appointments**

Whenever the approval of council is required for appointments by the mayor, the president of council, upon request of the mayor for approval of any appointment, may forthwith appoint an ad hoc committee to which shall be referred the name of each person whose appointment is submitted for approval of council. If referred to an ad hoc committee, then not later than the second (2nd) meeting of council following such reference, the committee shall report to council its recommendation thereon. Thereupon council as part of the appropriate order of business shall proceed to vote upon the approval of each appointment, the question being "Shall the council approve the appointment by the mayor?" If a majority of all current members of council vote yea, the appointment shall be deemed approved. If the matter is not referred to a special committee pursuant to this rule, then council shall act upon the approval no later than the next council meeting.

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**RULE 8      COUNCIL CHAMBER AND RULES**

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**Rule 8.1      Use of Council Chamber**

The council chamber shall generally be used for meetings of the council or committees thereof. The city conference room may be used for committee meetings.

**Rule 8.2      Rules, Suspension, Amendment, and Other****Rule 8.2.1      Suspension of Rules**

Any provision of these council rules may be suspended at any meeting of the council, by a majority vote of all the current members, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

**Rule 8.2.2      Amendment of Rules**

These rules may be amended or new rules adopted by ordinance or resolution, by a majority vote of all the current members to council.

**Rule 8.2.3      Other Rules**

The proceedings of the council shall be governed by the city charter and the ordinances and resolutions of the City of Napoleon, Ohio, including these rules. Where no local law or local rule exists, then the state law shall control. If no local or state law or local rule exists, then Robert's Rules of Parliamentary Practice shall control. It shall be the duty of the presiding officer to adhere to and enforce such laws and rules.

**Rule 8.2.4      Executive Session**

Council or its committees may, by entering into executive session, exclude members of the public and staff from a portion of a public meeting to discuss matters as stated below and other matters as authorized by law. Only members of the public body, its invited staff and invited guests may attend. Council or any given committee shall not exclude any of its members or the mayor from an executive session.

**1)      Personnel**

To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official or (to consider) the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the employee, official, licensee, or regulated individual request a public hearing; however, this provision does not allow the public body to consider the discipline of an elected official for conduct related to the performance of the person's official duties or to consider the person's removal from office.

**2)      Property**

To consider the purchase of property (real or personal property, whether it is tangible or intangible). Also, to consider the sale of property by competitive bid (real or personal property) if disclosure of the information would result in a

competitive advantage to the other side. No member may use this exception as subterfuge for providing covert information to prospective buyers or sellers.

3) Court Action

To discuss pending or imminent court action with the council's or committee's attorney. Court action is pending if a lawsuit has been commenced; court action is imminent if it is on the point of happening or is impending.

4) Collective Bargaining

To prepare for, conduct, or review collective bargaining strategy.

5) Confidential Matters

To discuss matters required to be kept confidential by federal law, federal rules, state statutes, or other applicable law.

6) Security Arrangements

To discuss specialized details of security arrangements where disclosure might reveal information that could be; used to commit, or avoid prosecution for a violation of the law.

7) Protect Utility

To discuss matters of a competitive nature relating to any city owned or operated utility.

8) Economic Development

To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of chapter 715, 725, 1724, or 1728 or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the revised code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

9) Any other matters allowed by the laws of the State of Ohio

No decision-making (formal action including actual voting) is permitted in executive session. Further, intertwined non-excepted matters are prohibited from discussion while in executive session. Minutes shall not be taken in executive session.

An executive session must always begin and end in open session. First there shall be a motion that states the purpose for the executive session, and the motion must be specific as to the matters to be discussed (i.e. to discuss the dismissal of a public employee), it is not sufficient to state "personnel." Second, after the motion, there must be a second and a roll call vote taken, with a majority of a quorum of the public body. The vote shall be recorded in the minutes. When the executive session has concluded, a motion and second should be received with a roll call vote taken to adjourn the executive session. It should be reported if any action or no action was taken. The adjournment and reporting of action or no action shall be recorded in the minutes.

### **Rule 8.3      Presumption of Validity**

A general presumption exists in favor of the validity of enactment by a municipal legislative body and continues until bad faith or abuse of legislative discretion by its members is clearly proven, or it is manifest that the legislative authority has exceeded its powers, or if the legislation bears no reasonable relation to the public health, safety, welfare, or morals. The burden of proving the invalidity of a municipal legislative enactment rests upon the one challenging its validity.

The general presumption of validity of municipal legislation extends to the validity of the procedure for its passage, the proper reason for its enactment, and the public purpose and necessity. The presumption of validity continues until the contrary is shown beyond a reasonable doubt.



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**RULE 9      COUNCIL BUSINESS EXPENDITURES/COMPUTERS**

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**Rule 9.1      Expenditure of Funds by Council Members**

Subject to budgetary constraints and with prior approval of the Council President, a council person may expend funds for a proper public purpose, without prior approval of the body of council. Except as otherwise may be permitted by ordinance, resolution, other applicable measure, or as stated above in this rule, all other expenditures made by council members shall be pre-approved by motion, or when required by law, legislation of council.

**Rule 9.2      Travel Expenses**

Travel policies and reimbursable expenses applicable to city employees pursuant to the city's policy manual and/or personnel code shall apply to council persons while on official city business.

**Rule 9.3      Information Technology Usage**

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to information technology usage. Electronic equipment and communications systems provided to elected officials, if any, are considered City property to be used for valid business purposes only. Any tax liability associated with this Rule, or non-conformance with this Rule, is that of the user of the information technology.

**Rule 9.4      Internet Access**

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to internet access or usage. Any tax liability associated with this Rule, or non-conformance with this Rule, is that of the user.

**Rule 9.5      Business Meeting Expenditures**

From time to time council as a whole or its committees may incur legitimate expenses while on or during city business (example: meals during a business meeting, work session or city sponsored activity), in the event of expenditure of funds, it will be reimbursed or payable by the city upon approval by council in the same manner as approval for payment of other bills that are authorized for a proper public purpose. Under no circumstances will alcoholic beverages be found to be a legitimate business expense for the purpose of this Rule and Rule 9.1.

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**RULE 10      GENERAL AND MISCELLANEOUS RULES**

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**Rule 10.1      Continuity of Legislative Authority**

The municipal legislative body, unlike the general assembly or the congress, is a continuing body. This is true regardless of the changing membership and reorganization of that body after each regular municipal election. As a continuing body it may complete unfinished business lawfully commenced by the preceding local legislative body. Contracts that are not signed during the term for which all the members of the legislative authority are elected are invalid. However, a succeeding council may ratify the acts of prior council by motion.

**Rule 10.2      Council Action**

The legislative power of the City of Napoleon, Ohio, is exercised by the enactment of an ordinance or adoption of a resolution, and by approval of proper motions.

**Rule 10.3      Expectations of Council – Decorum - Removal**

Rule 10.3.1: It is expected that Council members shall act in a professional and respectful manner to all appointing authorities, department heads, employees of the City of Napoleon and citizens of the City of Napoleon.

Rule 10.3.2: Council members shall respect the chain of command of the City of Napoleon and if approached by an employee other than an appointing authority the council member shall inquire as to whether the employee has followed the proper chain of command.

Rule 10.3.3: Council members shall maintain confidentiality of discussions, writings, or other forms of media or modes of communication that the council member knows or should know said matter should be kept confidential, subject to any public record statutes, sunshine laws, or any other duty to report.

Rule 10.3.4: All members of Council shall conduct themselves with decorum at all times while in the confines of the council chambers. Proper business casual attire shall be worn at all regular meetings of Council.

Rule 10.3.5: Upon the concurrence of a majority vote of Council, the first violation by a member of Council of council rules regarding expectations, order, or decorum shall result in the offending member receiving a verbal warning from the presiding officer detailing the infraction. In addition, with the concurrence of two-thirds affirmative vote of Council, the member may be expelled from the remainder of the meeting after having been notified of the violation(s) against him or her and provided an opportunity to address them.

Rule 10.3.6: Council may remove the Mayor or a Council member for gross misconduct, malfeasance, misfeasance, or nonfeasance in office; or for conviction while in office of a crime involving moral turpitude or for any felony conviction; or if adjudicated legally incompetent; or for a violation of his or her oath of office; or for persistent failure to abide by the Rules of Council. However, such

removal shall not take place without the concurrence (affirmative vote) of five (5) members of Council, and also not until the accused Mayor or Council member has been notified in writing of the charge against him or her at least ten (10) days in advance of a public hearing upon such charge, and at which time he or she (or his or her counsel should the Mayor or Council member choose to retain counsel) shall be given an opportunity to be heard and present evidence at a public hearing called by Council. An accused member of Council shall not vote on the question of his or her removal. Upon the removal of such officer, the vacancy thereby created in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

**Rule 10.4      Anonymous Complaints against City Employees and Personnel**

For Council to be able to properly respond to complaints it is imperative that they have a verifiable valid name, phone number and address. Any non-verifiable letters or other communications given to or sent to Council may be discarded pursuant to the proper records retention schedule, without further inquiry.

*City of Napoleon, Ohio*

**SPECIAL MEETING**

of

**CITY COUNCIL**

in Joint Session with the

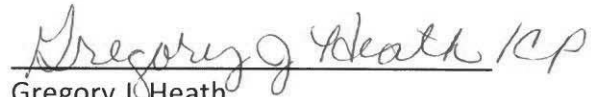
**FINANCE AND BUDGET COMMITTEE**

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

Special Meeting Agenda

**Monday, November 20, 2017 at 7:30 pm**

- 1) Review of the 2018 Budget Proposals.
- 2) Any matters that may properly come before Council.
- 3) Adjournment.

  
Gregory J. Heath  
Finance Director/Clerk of Council

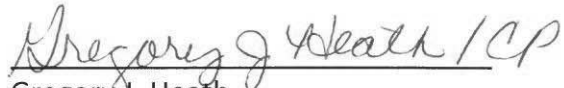
*City of Napoleon, Ohio*

**SPECIAL MEETING**  
of the  
**FINANCE AND BUDGET COMMITTEE**  
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\_\_\_\_\_  
Gregory J. Heath  
Finance Director/Clerk of Council



# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia  
**From:** Gregory J. Heath, Finance Director/Clerk of Council  
**Date:** November 16, 2017  
**Subject:** Ad-hoc Committee on Organizational Health and Strategic Vision Meeting – Cancellation

DGA/cp

The regularly scheduled meeting of the Ad-hoc Committee on Organizational Health and Strategic Vision for Monday, November 20, 2017 at 6:15 pm has been CANCELED at the direction of the Chair.



# City of Napoleon, Ohio

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## Memorandum

**To:** City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia  
**From:** Gregory J. Heath, Finance Director/Clerk of Council

gjh/cp

**cc:**

**Date:** November 16, 2017

**Subject:** Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, November 20, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.



# City of Napoleon, Ohio

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Napoleon, OH 43545

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## Memorandum

**To:** City Council, Mayor, City Law Director, City Manager, Department Supervisors, City Tree Commission, Newsmedia  
**From:** Gregory J. Heath, Finance Director/Clerk of Council  
**cc:**  
**Date:** November 16, 2017  
**Subject:** City Tree Commission – Cancellation

JGH/cp

The regularly scheduled meeting of the City Tree Commission for Monday, November 20, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.





# *City of Napoleon, Ohio*

## *Napoleon Police Department*

*310 Glenwood Avenue, P.O. Box 151*

*Napoleon, OH 43545*

*Telephone: (419) 599-2810 Fax: (419) 599-7969*

*www.napoleonohio.com*

## *Memorandum*

**To:** *Joel Mazur, City Manager*

*Members of Council*

**From:** *David J. Mack, Chief of Police*

**cc:** *File*

**Date:** *November 11, 2017*

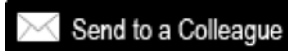
**Subject:** *Donated Food/Meal – Halloween Events*

Mr Mazur and Members of Council:

I wanted to inform you that we had a local resident come in the police department the day of the school incident several weeks ago and ask to meet with me. He stated that he felt compelled to buy a meal for our whole department. He stated that he believed he was being called to do so.

On November 8, 2017 the resident, Greg Ray, did bring this meal in. He supplied barbeque pork and grilled chicken, baked beans, potato salad and desert from Pettisville Meats. He fed the entire department. The entire department was grateful to him for this act of kindness. I will be sending a thank you letter to him; however, I felt that it was important that you know of this act of kindness.

On a separate issue, our Haunted PD and Candy Safety Check was a success again. Without the help of city personal from several departments who either provided set up manpower, or services, it would not be possible to have this event. Their assistance and teamwork was greatly appreciated. Several business also donated either food or candy to the event as well. We had numerous volunteers from the Napoleon Senior High School who dress up and ran the Haunted PD Event. They were a bright representation of the future and Napoleon High School.

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## Legislative Bulletin

### OML UPDATES: AT-A-GLANCE

**November 10, 2017**

**Here are the top three things you need to know this week:**

- The Ohio Development Services Agency has awarded grants totaling over \$2.5 million to 10 villages to help with various infrastructure projects. You can find the list of villages [HERE](#).
- Ohio has collected just over \$1.78 billion in taxes during the month of October, which is consistent with analyst projections for the month.
- Infrastructure: 17% of Ohio's public roads are in poor condition, resulting in approximately \$475 per person annually in annual vehicle repair costs.

### THANK YOU, VETERANS!

As the nation celebrates Veteran's Day this Saturday, the League wants to extend our sincerest thanks to those across the state who have served in our country's military. We are thankful for the opportunity to pause and recognize with gratitude the sacrifices made by the men and women who have served in the armed forces to keep America safe and free. Thank you for your service, and we wish you a happy Veteran's Day!

### OML TESTIFIES ON MUNICIPAL GARBAGE COLLECTION BILL

This week, the Senate Ways and Means Committee held its second hearing on SB 181. Sponsored by Sen. O'Brien (D - Bazetta) and Sen. Yuko (D - Richmond Heights), this bill would authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes.

Ashley Brewster, Director of Communication for the League, offered proponent testimony as well, which you can read [HERE](#). "Municipalities already certify other types of fees - for example, sidewalk assessments or nuisance abatement charges - to real property taxes," she explained. "By correcting this oversight in the law, collecting unpaid garbage fees will become substantially easier for many municipalities."

Other proponents for the bill included James Timonere, the city manager of Ashtabula, and Dennis De Camillo, Ashtabula County Auditor, spoke to the need for the bill's passage for their communities. They asked that the language be changed so that a uniform collection mechanism can be applied to all municipalities - not just those in chartered counties. You can read their testimony's [HERE](#) & [HERE](#).

## **BILL AFFECTING MUNICIPALITIES GETS COMMITTEE HEARING**

The only other bill of municipal interest heard in committee this week:

- **SB 187 - DELINQUENT MUNICIPAL INCOME TAXES.** Sponsored by Sen. Eklund (R - Munson Township) and Sen. Wilson (R - Maineville), the bill would allow municipal corporations to charge delinquent taxpayers the costs of collecting municipal income taxes regardless of whether the costs are incurred before or after a judgment is entered against the taxpayer. Sen. Eklund said during sponsor testimony in the Senate Finance Committee that the bill would "reduce budgetary constraints on cities while promoting fairness" for those who pay on time. Sen. Bill Coley (R-Liberty Twp.) and Sen. Michael Skindell (D-Lakewood) both requested consideration for specifying the costs must be "reasonable".

## **NEW BILLS OF MUNICIPAL INTEREST**

Here are the new bills impacting municipalities that were introduced this week:

- **HB 410 - COUNTY & MUNICIPAL COURTS-TRAFFIC LAW CIVIL ACTION.** Sponsored by Rep. Seitz (R - Cincinnati) and Rep. Butler (R - Oakwood), the bill would grant municipal and county courts original and exclusive jurisdiction over any civil action concerning a traffic law violation, to specify that the court require an advance deposit for the filing of specified civil actions by the local authority bringing the civil action, and to modify the reporting requirements and LGF withholding that apply to subdivisions that operate traffic law photo-monitoring devices.
- **SB 228 -- WASTE FEE INCREASE.** Sponsored by Sen. Eklund (R - Munson Township) and Sen. Skindell (D -Lakewood) To increase one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.

## **THE CAPITAL BUDGET BILL: WHAT YOU SHOULD KNOW**

The FY 2019-2020 Capital Budget applications will be due to members of the Ohio Legislature by mid-January, so it will be important for communities to start preparing those applications as soon as possible.

The Capital Budget Community Projects bill, once passed, will fund various types of capital improvement projects across the state. Eligible projects will be capital in nature, and must have a connection to a state agency either via ownership, partnership or a joint use agreement. The types of projects can vary, involving agriculture, arts and museums, economic development, health care, infrastructure, parks, police and fire, social services, sports, telecommunications, veterans and workforce projects.

Guidelines for the process of submitting a capital budget request can be found in this memo [HERE](#) on page 2, under the section titled "Separate Capital Process." The section says that the process of selecting which capital projects will be funded is a process kept between the Governor's administration and the General Assembly' therefore, it is important you contact your state legislator's office in order to start working on your application. You will be submitting your request directly through them once they have explained the guidelines to you and you complete the process. It is also important to note that working with your local and regional Chambers of Commerce can greatly help you in your request process.

It is never too early to begin working on your community's capital budget request. Contact your state legislator to get started.

### **ELECTION NIGHT IN OHIO: A BRIEF RECAP**

It may have been an "off-year" as far as general elections go, but Ohio voters still had a lot to say at the polls yesterday. Statewide, ballot issues 1 and 2 won and lost by exceedingly wide margins, respectively. Issue 1, known as Marsy's Law, won by a roughly 87%-17% margin. Issue 2, the prescription drug issue, was losing by a margin of 4 to 1.

There were many mayoral and city council races across the state as well. Two notable mayor's races include the victory of Frank Jackson as Cleveland's mayor for a fourth term, and Mayor John Cranley's reelection in Cincinnati. Akron, Monroe, Mount Vernon, Oberlin and West Unity passed income tax levies, while income tax levies in Van Wert and Napoleon did not pass.

We want to extend our congratulations to all the victors in yesterday's local elections, and the Ohio Municipal League looks forward to working with you as well as acting as a resource for you and your community as you begin this next stage in elected public service.

### **OHIO DEPARTMENT OF COMMERCE ANNOUNCES MEDIAL MARIJUANA LICENSEES**

The Ohio Department of Commerce announced the Medical Marijuana Level II cultivator provisional licensee recipients last Friday, November 3<sup>rd</sup>. This day marked a key moment in the program's creation as these companies learned they would be able to grow marijuana legally in the state. These Level II cultivators will be able to grow marijuana in an area of up to 3,000 square feet. For a list of the recipients click [HERE](#).

Over 100 applicants are still waiting to hear if they will receive a Level I cultivator provisional license. The larger Level I growers will be able to operate in an initial growing area up to 25,000 square feet. The Department of Commerce said it expects to announce those licenses in the coming weeks.

Medical marijuana program administrators said in August they hoped to have the cultivators chosen by November, with the goal of letting prospective business owners know if they would be able to grow marijuana before applying for dispensary licenses. The application period for dispensary licenses opened Friday, November 3<sup>rd</sup> and runs

through November 17<sup>th</sup> at 2 p.m. At this time, it is unclear if a decision on the Level I licenses will be made before that November 17<sup>th</sup> deadline.

### **NLC REPORT FINDS MOST CITIES OPEN TO PARTNERSHIPS WITH SHARING-ECONOMY COMPANIES**

New National League of Cities (NLC) research on the innovation economy finds that many cities across the country are embracing sharing economy companies and new technologies like drones and smart city applications. The national survey, "Cities and the Innovation Economy: Perceptions of Local Leaders," shows that 78 percent of cities are broadly supportive of sharing economy growth, 42 percent of cities are using or considering using drones in municipal operations and 66 percent of cities have invested in some type of smart city technology.

"City leaders are eager to embrace new technologies and services to improve the lives of their residents," said Clarence E. Anthony, CEO and executive director of the National League of Cities (NLC). "Cities are where good ideas turn into action. There are no better examples of this than with the growth of the sharing economy in cities and the increased use of smart city technology. But with any new innovation, cities must ensure they are deployed equitably and safely."

The survey finds that 55 percent of cities describe their relationship with companies like Uber, Lyft and Airbnb as good or very good, and 16 percent have entered into a formal partnership. Of those not in a formal partnership with these companies, 79 percent indicated that they were open to forming one. However, while a majority of cities indicate positive sentiments, a third of cities (33 percent) described their relationships with sharing economy companies as "very poor."

"Relationships between cities and sharing economy companies have evolved rapidly in just a few years," said Brooks Rainwater, senior executive and director of the Center for City Solutions at the National League of Cities (NLC). "Through formal partnerships, cities are starting to collect tax revenue, share some data and solidify coordination with local transit services. However, opportunities abound to improve and expand these relationships. Cities make the sharing economy work, and city leaders have a vested interest in ensuring these relationships ultimately meet the needs of their communities."

Other key findings from the report include:

- More than half of cities have not acted to regulate the sharing economy. Fifty-three percent of local officials reported that their local government imposed no regulation on the sharing economy. At the same time, 30 percent of local elected officials indicated that their city had imposed light regulation or a partial ban on the sharing economy, compared to 6 percent in 2015.
- Public safety remains a top concern surrounding ridesharing and homesharing. Sixty percent of local officials identified public safety as a top concern with ridesharing, while 57 percent of local officials indicated it was a top concern with homesharing. This is consistent with 2015 survey results.
- The majority of city residents have mixed or favorable feelings toward the sharing economy. Thirty-nine percent of local officials indicated that sharing economy companies are viewed favorably by residents, while 51 percent reported their residents' sentiments are mixed.

To read the full report, click [HERE](#).

## COMMITTEE SCHEDULE FOR THE WEEK OF NOVEMBER 12, 2017

**Tuesday, November 14, 2017**

### SENATE INSURANCE AND FINANCIAL INSTITUTIONS

Tue., Nov. 14, 2017, 9:30 AM, Senate Finance Hearing Room

Sen. Hottinger: 614-466-5838

Governor's appointments:

- Robert Brokaw to the Housing Trust Fund Advisory Committee
- Kristen Scott and Robin Thomas to the Credit Union Council

**SB118\*\*** PTSD TREATMENT-FIRST RESPONDERS (LAROSE F, BROWN E) To make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

First Hearing, Sponsor Testimony

Report(s): My Tracked Bills, OML Legislative Report

### HOUSE WAYS AND MEANS

Tue., Nov. 14, 2017, 10:00 AM, Hearing Room 121

Rep. Schaffer: 614-466-8100

**HB351\*\*** NOAA AND PHS TAX EXEMPTION (PERALES R, BUTLER, JR. J) To require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service.

Second Hearing, Proponent Testimony

Report(s): My Tracked Bills, OML Legislative Report

### SENATE JUDICIARY

Tue., Nov. 14, 2017, 10:15 AM, North Hearing Room

Sen. Bacon: 614-466-8064

**SB180\*\*** FIREARM RELATED LAWS-CHANGES (UECKER J, HOTTINGER J) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises.

Second Hearing, Proponent Testimony

Report(s): My Tracked Bills, OML Legislative Report

**CHECK OUR WEBSITE MONDAY FOR ANY COMMITTEE SCHEDULE UPDATES**

Legislative Inquires:

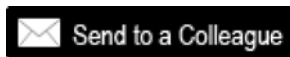
Kent Scarrett, Executive Director

Edward Albright, Deputy Director

Ashley Brewster, Director of Communications

Website/Bulletin Issues:

Zoë Wade, Office Manager

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## Legislative Bulletin

### OML UPDATES: AT-A-GLANCE

**November 17, 2017**

**Here are the top three things you need to know this week:**

- This week, 137 Ohio municipalities filed an injunction against the state regarding the language in the recently passed budget bill, HB 49, which creates the centralized collection of municipal net profit business filings by the Ohio Department of Taxation.
- There were 18 municipal income tax levies on the ballot last week; 8 were passed by voters. There were also 22 library issues and six metro park district issues on local ballots across the state - every single one was approved by voters. That happens to be the largest amount of local library issues voters have been asked to approve in one year.
- Infrastructure: In Ohio, 1,942 of our bridges are structurally deficient. That's 6.9% of all Ohio bridges.

### CONGRESS IS CONSIDERING ELIMINATING CRUCIAL S.A.L.T. DEDUCTION: CALL TO ACTION

In the current tax reform bill being debated before Congress, lawmakers are considering a proposal that would eliminate all state and local income taxes (S.A.L.T.) deductions from federal taxation. This elimination would mean a substantial increase in taxation for taxpayers who currently deduct their state and local income taxes from their federal taxes.

The S.A.L.T. deduction has been an integral part of tax code since 1913. The deduction exists to avoid double taxation and removes pressure from local governments to make the difficult choice between cutting taxes and services or trying to maintain services. The elimination of the S.A.L.T. deduction will mean taxpayers will see a substantial increase in dollars removed from their paycheck, while municipalities will be pressured to accommodate by lowering local taxes while still providing local services. Additional resources and information on the S.A.L.T. deduction is available [HERE](#). Included [HERE](#) is a sample letter which can be used to help communicate your concerns to your Congressperson.

Just last night, the tax reform bill was voted out of the Senate Finance Committee. We are asking our members to contact their Congressperson immediately and ask that on



behalf of taxpayers and local governments alike, they stand against the repeal of the S.A.L.T. deduction.

## **OML JOINS ASSOCIATIONS IN OPPOSING RESIDENTIAL PROPERTY TAX EXEMPTION BILL**

The League will be joining 8 other statewide associations in opposing HB 371, sponsored by Rep. Merrin (R - Monclova Township), which would freeze the value of land in the pre-residential development stage for any subdivided, unimproved parcel on which construction of residential buildings is planned but has not started. The bill also reduces property taxes for land purchased for residential development purposes.

The coalition, which is made up of associations representing local governments across the state, have given a memo detailing their opposition to Rep Merrin.

The memo voices concern regarding the bill's drastic alteration of the uniform standards of appraisal practice, citing potential unintended and unpredictable consequences on the value of neighboring land within a local community. Local governments and schools could face a reduction in property taxes - particularly in urban and suburban areas, where an exponentially high number of residential building permits are issued. Not only would these mean a loss in revenue for schools and local governments, but other taxpayers with property set at a fair value would be forced to bear the burden of making up the loss.

You can read a copy of the memo [HERE](#). **Our members are strongly encouraged to call their state legislators to voice their opposition to HB 371.**

## **THIS WEEK IN COMMITTEE HEARINGS**

Here is a brief recap of the bills that received hearings in committees this week:

- **SB 118 - PTSD TREATMENT-FIRST RESPONDERS.** Sponsored by Sen. LaRose (R - Hudson) and Sen. Brown (D - Toledo) and a reintroduction of SB 5 in the 131<sup>st</sup> General Assembly, the bill would make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law. During sponsor testimony before the Senate Insurance and Financial Institutions Committee, Sen. Hackett raised concerns around an equal protection issue, allowing those in other professions to sue for similar coverage. He suggested the bill sponsors considered taking the issue outside of Worker's Compensation.
- **HB 351 - NOAA AND PHS TAX EXEMPTION.** Sponsored by Rep. Perales (R - Beavercreek), the bill would require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service. Lieutenants from the PHS testified in support on the bill during its second hearing in the House Ways and Means Committee, citing that out of the 56 PHS officers living in Ohio, 28 across roughly 12 municipalities that collect income tax.
- **SB 180 - FIREARM LAWS.** Sponsored by Sen. Hottinger (R - Newark) and Sen. Uecker (R - Miami Township), the bill would assign the burden of disproving a self-defense claim to the prosecution; expand the locations at which a person has no duty to retreat before using force; and modify the Concealed Handgun

Licensing Law. During its second hearing in the Senate Judiciary Committee, the Buckeye Firearm Association and the Office of the Ohio Public Defender testified in support of the bill.

### **NEW MUNICIPAL LEGISLATION INTRODUCED THIS WEEK:**

Here are the bills introduced this week that impact municipalities:

- **HB 410 - TRAFFIC VIOLATIONS.** Sponsored by Rep. Seitz (R - Cincinnati) and Rep. Butler (R - Oakwood), the bill would grant municipal and county courts original and exclusive jurisdiction over any civil action concerning a traffic law violation; would specify that the court require an advance deposit for the filing of specified civil actions by the local authority bringing the civil action; and would modify the reporting requirements and LGF withholding that apply to subdivisions that operate traffic law photo-monitoring devices. This week, Cleveland.com ran an article detailing the legislation in which OML's Executive Director, Kent Scarrett, is quoted voicing the perspective of Ohio's municipalities. You can read the article [HERE](#).
- **HB 415 - ROAD IMPROVEMENTS.** Sponsored by Rep. Greenspan (R - Westlake) and Rep. Ryan (R - Granville), the bill would allocate one-half of any surplus revenue to a new Local Government Road Improvement Fund, from which money will be distributed directly to local governments to fund road improvements.

### **STATE AUDITOR REPORT TO HELP LOCAL GOVERNMENTS AVOID THEFT**

State Auditor Dave Yost has issued a report entitled "Pocket Payments: Preventing the Theft of Incoming Funds" in an effort to help local entities prevent payment theft. The report details a total of approximately \$3.4 million stolen from local governments over the past decade.

Auditors discovered 77 local governments had experienced incoming payment theft, resulting in 53 theft convictions. The majority of the cases involved either utility transactions, villages and school districts.

The report details the types of transactions most targeted by thieves (cash payments) and suggest means local governments can take to prevent theft. You can read the report [HERE](#).

### **PUCO OFFERS STATE FUNDING FOR RAIL GRADE CROSSING UPGRADES**

The Public Utilities Commission of Ohio (PUCO) is encouraging local highway authorities to apply for available state-funding for rail grade crossing upgrades in their communities through two state-funded programs that may be applicable for local communities: the state grade crossing upgrade program and the supplemental assistance program.

The state-funded Grade Crossing Upgrade Program allows local communities to share the cost of installing safety devices with the state and local railroad. A local highway

authority must submit an application to the PUCO, which will then conduct a field diagnostic review. If a financial proposal is extended and agreed to, a contract will be executed and the project will be approved for construction.

The supplemental assistance program provides safety enhancements at certain eligible crossings. If PUCO approves the project, construction is then completed and is reviewed by a PUCO inspector, the local highway authority submits the costs for reimbursement up to \$5,000.

For further information regarding the programs listed above, please visit the rail industry section of the PUCO website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).

### **EPA ANNOUNCES EARLY STAKEHOLDER OUTREACH SESSIONS**

The Ohio EPA has announced 3 opportunities to learn about potential changes to Ohio EPA's NPDES Construction Storm Water general permit renewal. These events are being held to obtain stakeholder input prior to official public noticing of the draft general permit renewal.

Storm water runoff from new development or redevelopment where the larger common plan of development or sale disturbs 1 or more acre of land is regulated under the National Pollutant Discharge Elimination System (NPDES) permit program administered by Ohio EPA. The NPDES permit that sets the current requirements is set to expire on April 20, 2018. These sessions will allow you to learn about the potential changes. Attendees will be given a chance to ask questions of Ohio EPA's staff about the potential changes and provide input.

The first outreach session happened on November 17 of this week. The next will occur on November 29, from 10 am to noon at the Ohio Department of Transportation Auditorium at 1980 W Broad Street in Columbus.

Those who are unable to attend a session in person are encouraged to watch the November 17 session, as it was recorded and posted online at <http://epa.ohio.gov/dsw/storm/index.aspx>. Stakeholders can email input to [Jason.Fyffe@epa.ohio.gov](mailto:Jason.Fyffe@epa.ohio.gov) by December 6, 2017. Ohio EPA will consider all input received prior to official public notice of the draft general permit renewal.

### **NO BULLETIN NEXT WEEK**

Next week, League staff will be celebrating Thanksgiving with their family and loved ones, so we will not be sending out a full Legislative Bulletin next Friday. We will be sending out a committee schedule for the following week, so you can keep tabs on what will be happening at the Ohio Statehouse once legislators return from the holiday.

Until then, we want to wish all our members a Happy Thanksgiving!

Ohio Municipal League

Legislative Inquires:

Kent Scarrett, Executive Director

Edward Albright, Deputy Director

Ashley Brewster, Director of Communications

## AMP Update for November 10, 2017

From: "American Municipal Power, Inc." <webmaster@amppartners.org>

11/10/17 07:03 PM

To: rdietrich@napoleonohio.com

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Having trouble viewing this email? [Click here to view web page version](#)







## **AMP members provide mutual aid to Celina following EF2 tornado**

*By Michelle Palmer, PE - vice president of technical services*

On Nov. 5, a severe line of thunderstorms that spawned 15 confirmed tornadoes caused a trail of destruction across Ohio, requiring mutual aid assistance to address widespread power outages across several AMP member communities.

According to the National Weather Service in Wilmington, Ohio, two EF2 tornadoes with wind speeds as high as 120 mph, touched down in western Mercer County and Celina. According to the Daily Standard, the Celina twister was on the ground from 2:40 - 2:49 p.m. which brought down transmission and distribution poles across the city. AMP Mutual Aid program coordinators quickly mobilized crews from Arcanum, Hamilton, Minster, New Bremen, Piqua, St. Marys and Wapakoneta to aid in the restoration efforts. Vaughn Industries also assisted. All member crews were released on Nov. 8 and restoration was completed on Nov. 9.

AMP members Arcadia and Shiloh also suffered damages that required mutual aid. In Arcadia, AMP Circuit Riders Cody Crose and Bob Rumbaugh provided assistance along with electric crews from Deshler and Bowling Green. And crews from Shelby provided mutual aid assistance to the Village of Shiloh.

AMP's Mutual Aid program is available to all AMP members. There are currently 104 participants in the program. Please contact Jennifer Flockerzie, AMP technical services program coordinator, at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org), if you're interested in joining the program.

## **AMP files reply comments on Department of Energy Rulemaking for grid resilience pricing for coal and nuclear generation**

*By Lisa McAlister - senior vice president and general counsel for regulatory affairs*

This week AMP filed reply comments at the Federal Energy Regulatory Commission (FERC) on the Department of Energy's (DOE) Notice of Proposed Rulemaking (NOPR). The DOE NOPR directs FERC to provide cost of service recovery to generation resources that provide "resilience" benefits to the bulk power system. Eligible resources must provide energy and ancillary reliability services, have a 90-day fuel supply on site, be in compliance with all environmental regulations and not be subject to rate regulation at the local or state level. In effect, the NOPR would only apply to coal and nuclear resources.

Initial comments on the NOPR were filed on Oct. 23, with reply comments on Nov. 7. The NOPR garnered hundreds of comments from regional transmission organizations, customers, investor-owned utilities, advocacy groups, public power entities and competitive generators, among others. By and large, most commenters opposed the rule on both procedural and substantive grounds.

In the initial round of comments, FirstEnergy was one of the few entities to support the NOPR and also proposed instituting a price structure for Resiliency Support Resource similar to PJM's current reliability must-run agreements. FirstEnergy's proposal, however, would require full cost recovery for Resiliency Support Resources in spite of imposing severe limitations on their ability to be dispatched by Regional Transmission Organizations (RTOs) in a time of need. AMP's reply comments focused on FirstEnergy's unjust and unreasonable proposal on the basis that it would give these units monthly payments for full

recovery without the units actually providing any resilience benefit when needed. AMP also addressed arguments made by the Electric Power Supply Association that the NOPR should be used to expand the Minimum Offer Price Rule (MOPR) to existing units to counteract out-of-market payments such as state subsidies. AMP countered that expanding the MOPR would result in unjust and unreasonable rates by creating administratively-determined offers rather than offers set by market mechanisms.

PJM Interconnection, LLC, raised concerns about the NOPR similar to the majority of initial comments but also asked FERC to set deadlines for RTOs to implement reforms to energy market price formation rules that would allow inflexible units to set locational marginal prices. PJM's alternative proposal drew sharp rebuke from reply commenters. AMP filed joint comments with NextEra Energy, Advanced Energy Economy, American Wind Energy Association, the Natural Resources Defense Council and the Office of the People's Counsel for the District of Columbia expressing concern about PJM's willingness to upend energy markets with no demonstration of need or that the price formation proposals were reasonable. The joint comments argued that price formation proposals should go through the RTO stakeholder processes with adequate time for analysis and discussion. The Market Monitors for MISO, PJM, ISO New England and NYISO, as well as the California ISO, ISO New England and MISO, among others, also all strongly opposed PJM's alternative proposal.

AMP's comments and its reply comments can be accessed on its website [here](#). If you have questions, please contact me at [lmcalister@amppartners.org](mailto:lmcalister@amppartners.org), or Kristin Rothey, AMP assistant deputy general counsel, at [krothey@amppartners.org](mailto:krothey@amppartners.org).

## AMP helps coordinate mutual aid for Caribbean islands

Puerto Rico and the U.S. Virgin Islands are still in need of mutual aid assistance as a result of extensive damage caused by Hurricanes Irma and Maria in September. AMP has been participating in American Public Power Association mutual aid calls regarding restoration efforts. Both locations are requesting a minimum 30-day commitment of any arriving crews. Additionally, a responding utility must negotiate an individual contract for services.

If you are interested in learning more about providing crews, please contact Bob Rumbaugh, AMP manager of technical training, at 614.204.8500 or [rrumbaugh@amppartners.org](mailto:rrumbaugh@amppartners.org).

## Energy markets update

*By Jerry Willman - assistant vice president of energy marketing*

The December 2017 natural gas contract increased \$0.025/MMBtu to close at \$3.20 yesterday. The EIA reported an injection of 15 Bcf for the week ending Nov. 3, which was slightly more than market expectations relative to the Bloomberg estimate of 14 Bcf. Relative to this time last year, 54 Bcf was injected into storage. The five-year average is an injection of 45 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$36.79/MWh which was \$.61/MWh higher for the week.

## On Peak (16 hour) prices into AEP/Dayton hub

Week ending Nov. 10

MON	TUE	WED	THU	FRI
\$32.05	\$36.41	\$41.86	\$43.81	\$49.47

Week ending Nov. 3

MON	TUE	WED	THU	FRI
\$33.04	\$34.47	\$35.38	\$31.04	\$32.07

AEP/Dayton 2018 5x16 price as of Nov. 9 — \$36.79

AEP/Dayton 2018 5x16 price as of Nov. 2 — \$36.18

### AFEC weekly update

*By Jerry Willman*

Fremont plant was available for 2x1 operations for the week. Last weekend the plant cycled off-line overnight and operated mid-range during the peak hours. The plant remained online for the remainder of the week and operated between its economic minimum and maximum range. Duct firing operated for 69 hours this week. The plant generated at a 71% capacity factor (based on 675 MW rating).

### Coldwater hosts AMP Meter School

*By Bob Rumbaugh - manager of technical training*

AMP member Coldwater hosted a metering course Nov. 7-9 with 10 attendees from Coldwater, Edgerton and Cuyahoga Falls in attendance. The hands-on course covered essential parts of municipal electric utilities such as safety, terminology, principles of instrument transformers, metering math, troubleshooting, installation and wiring methods. Led by Anixter (formerly HD Supply), the session was geared to those who work in operations. For additional information about AMP's training programs, please contact Jennifer Flockerzie at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).



### SEPA's 2017 Utility Demand Response Market Snapshot available for download

*By Erin Miller - director of energy policy and sustainability*

AMP members can now download a recently released report that highlights the best practices and trends for demand response (DR). The Smart Electric Power Alliance (SEPA) and Navigant partnered to release the 2017 Utility Demand Response Market Snapshot report.





As part of its annual membership survey, SEPA collected 104 responses on utility DR programs, representing approximately 66 million customer accounts in the U.S. The report summarizes the response data by program type. It also provides a snapshot of both the utility and wholesale DR market, and includes key state and federal DR policies, programs and advanced applications.

A few key trends documented in the report include:

- DR programs using smart thermostats are growing in popularity as utilities expand their offerings to include direct install, self-install and Bring Your Own Thermostat programs.
- A number of efforts are under way to better coordinate energy efficiency and demand response at the utility level. Examples include combined program offerings and incentives, coordinated program marketing and education, market-driven coordinated services and building codes and appliance standards.
- Electric vehicles are becoming increasingly popular and have the capability to absorb excess renewable energy production and minimize peak impacts through managed charging.
- Utilities are increasingly looking to target DR in specific distribution-level areas with high load growth or infrastructure constraints.

AMP members may [download the report](#) and/or register for the upcoming SEPA [webinar](#), "Rethinking Demand Response - The Evolution from Simple to Sophisticated" on Dec. 14 at 2 p.m. (ET).

OCTOBER OPERATIONS DATA		
	Oct. 2017	Oct. 2016
Fremont Capacity Factor	30%	0%
Prairie State Capacity Factor	52%	77%
Meldahl Capacity Factor	38%	57%
Cannelton Capacity Factor	58%	68%
Smithland Capacity Factor	66%	N/A
Greenup Capacity Factor	55%	57%
Willow Island Capacity Factor	41%	55%
Belleville Capacity Factor	56%	67%
Blue Creek Wind Capacity Factor	32%	30%
JV6 Wind Capacity Factor	16%	13%
Napoleon Solar Capacity Factor	14%	16%
Bowling Green Solar Capacity Factor	17%	N/A
Avg. A/D Hub On-Peak Rate	\$35/MWh	\$35/MWh
Fremont and Prairie State were down for planned maintenance in October 2017 and 2016.		
<ul style="list-style-type: none"> <li>* Fremont capacity factor based on 675 MW rating.</li> <li>* PS capacity factor based on 1,582 MW rating.</li> <li>* Meldahl capacity factor based on 105 MW rating.</li> <li>* Cannelton capacity factor based on 87.6 MW rating.</li> <li>* Smithland capacity factor based on 76.2 MW rating.</li> <li>* Greenup capacity factor based on 70 MW rating.</li> <li>* Willow Island capacity factor based on 44.2 MW rating.</li> <li>* Belleville capacity factor based on 42 MW rating.</li> <li>* Napoleon Solar capacity factor based on 3.54 MW rating.</li> <li>* BG Solar capacity factor based on 20 MW rating.</li> </ul>		

**Spring 2018 DEED Grant Application cycle begins**

The 2018 Spring Grant Application cycle is now open for members of the American Public Power Association's (APPA) Demonstration of Energy & Efficiency Development (DEED) program. Utilities are encouraged to apply for DEED funding (up to \$125,000/project) to support innovative technologies and techniques to improve efficiency, reduce costs and create new services or software to better serve customers.



To apply, log on to the APPA online [Grant Management System](#). Those without a login can send an email to [DEED@PublicPower.org](mailto:DEED@PublicPower.org) to get set up with an account. For more information, please visit DEED's [Funding for Utilities](#) web page or read the [Grants Guide](#) (login required).

## Westerville lineworker receives AMP Hard Hat Safety Award



Chuck Penney (right), journeyman lineworker for the City of Westerville Electric Division, was presented with the 2017 AMP Hard Hat Safety Award this week from Scott McKenzie, AMP member safety manager. The Hard Hat Safety program was established to recognize employees in AMP member communities who demonstrate safety at all times. Award recipients were announced during the 2017 AMP/OMEA Annual Conference in September.

## AMP scholarship packets arriving soon

*By Jodi Allalen - member events & programs coordinator*

AMP scholarship packets with information regarding the Lyle B. Wright and Richard H. Gorsuch scholarship programs will be mailed early next week. The packets contain scholarship nomination forms, as well as details on rules, eligibility and deadlines. Member communities can nominate one high school student for each scholarship (Gorsuch and Wright). Nominations are due by Dec. 8.

Wright scholarship applicants must be students whose households receive electricity from AMP member communities. Applicants for the Gorsuch scholarship must be students whose parents or guardians are employees of AMP member municipal electric departments or employees of AMP.

Up to four Wright and four Gorsuch scholarships will be awarded, each for \$2,500. Recipients will be determined by the AMP Board of Trustees and announced in May. Since the program began in 1988, AMP has awarded \$308,000 in scholarships to graduating high school seniors. Member communities are encouraged to participate in this program by nominating a student for the scholarships.

The AMP Scholarship Committee made changes this year and essays are no longer required. The test on public power, grades and accomplishments will serve as determining factors.

Scholarship packet information will also be available on the Member Extranet section of the AMP [website](#) (login required). For additional information, please contact me at 614.540.0916 or [jallalen@amppartners.org](mailto:jallalen@amppartners.org).

## **Last chance to register for grounding and lightning protection training class**

AMP will hold its last training class of the year Nov. 16-17 on grounding and lightning protection for overhead and underground distribution.

Participants will learn about the purpose and principles of grounding as well as the practices required to accomplish grounding that complies with NESC requirements. The class will also cover the theory of lightning surges, and the principles and practices of insulation coordination and application of lightning arresters. Instruction methods will include presentations, video clips, a check-up quiz and problems, group discussion and time for questions/answers.

This course is presented at a practical level appropriate for distribution engineers, designers, construction/operations personnel and other utility professionals with formal educations who wish to increase their understanding of electric utility distribution. Some familiarity with electrical theory and power distribution equipment is helpful, but not necessary.

**Date:** Nov. 16 - 17  
**Class Times:** Nov. 16: noon - 4 p.m.  
Nov. 17: 8 a.m. - noon  
**Location:** AMP Headquarters, Columbus  
**Class Length:** Two days

To register, please contact Jennifer Flockerzie at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).

# Register now for Webinars

An internet connection and a computer are all you need to educate your entire staff for just \$99. Register today at [www.PublicPower.org/Academy](http://www.PublicPower.org/Academy) and click on webinars. Non-members enter coupon code **AMP** to receive the member rate.

- From Procurement to Recovery: Understanding the FEMA Grant Process Webinar Series  
FEMA Basics for the Municipal Utility **Nov. 14**
- Workforce Webinar Series  
Game Changers and Gaps in the Energy Workforce Pipeline **Nov. 15**
- Customer Engagement Webinar Series  
Using Online Customer Engagement Strategies to Improve Satisfaction and Program Participation **Nov. 16**



## Classifieds

### Village of Pemberville seeks electric distribution lineworker

The Village of Pemberville is seeking applicants for the position of electric distribution lineworker. The lineman and/or apprentice will be responsible for delivering reliable electric service to customers by performing inspections, maintenance, operations and construction work on substations, transmission, distribution and streetlight systems within the village to the level that their training dictates. Having or obtaining a CDL is required, as is mechanical knowledge and knowing how to operate equipment including but not limited to: bucket truck, digger derrick, backhoe, wood chipper, chain saws and dump truck; with a willingness to follow all current and future safety practices and maintain equipment. Wage is negotiable. Applications are available on the village [website](#). Please submit a résumé and application to the Village of Pemberville, 155 Main St., PO Box 109, Pemberville, Ohio, 43450, by Dec. 7.

### Zelienople hiring lineworker position

The Borough of Zelienople is seeking applications for a qualified full-time electrical line utility worker - responsible for installation, operation and routine maintenance of the municipal electrical distribution system both overhead and underground.

Candidate must possess a high school diploma or GED and a valid CDL license with air brake or ability to obtain one within six months after hire date. Knowledge of overhead distribution lines, underground primary distribution lines required and operation and use of bucket trucks.

Position requires various duties to include but not limited to: water distribution repairs, tree trimming power lines, road maintenance and snow removal and other general maintenance as required. Above duties will require working in all weather conditions.

Applications may be obtained at the Zelienople Municipal Building at 111 W. New Castle St., Zelienople, PA, 16063, weekdays from 8 a.m. - 5 p.m. or on our website at [www.zelieboro.org](http://www.zelieboro.org) under the Public Works tab. Candidates should return applications with résumé and supporting documentation that would be helpful for consideration of employment. Salary commensurate with experience plus an excellent benefit package. Applications will be accepted until Dec. 29. (EEO/AA)

## **Bowling Green has two positions available**

### **Wastewater treatment plant operator**

The City of Bowling Green is hiring a wastewater treatment plant operator. The hourly position is responsible for oversight of the operation of the wastewater treatment plant, ensuring effluent quality and proper/efficient plant operation. Oversees plant operations; checks equipment; performs lab tests; monitors plant via computer and plant walk through rounds; performs maintenance duties; operates trucks and other equipment; removes Biosolids (hauls sludge); collects samples; attends training; prepares /maintains documentation; performs custodial tasks and other related duties as assigned. Works both indoors and outdoors; works alone; irregular work schedules; must be available to work shift work, weekends and holidays. High school diploma or equivalent; Ohio Environmental Protection Agency (OEPA) Wastewater Treatment Certifications preferred; valid Class A Commercial Driver's License required or must be able to obtain within six months of hire; must obtain a Class I OEPA Wastewater Treatment Certification within three (3) years of hire; 3 - 5 years of relevant experience. Applicants must complete an application packet that is available online or in the Personnel Department, 304 N. Church St., Bowling Green, Ohio, 43402-2399. Résumés alone will not be accepted. Copies of the complete job description will be provided to applicants. For more information, contact the Personnel Department at 419.354.6200 or [BGPersonnel@bgohio.org](mailto:BGPersonnel@bgohio.org). [Click here](#) for more information or to access the online application. Application deadline is 4:30 p.m. on Nov. 20. AA/EEO  
(Pay Grade 5: \$20.40 - \$26.06 per hour)  
(With a Class III OEPA Certification: Grade 6: \$21.42 - \$27.35)

### **Substation technician, electric division**

The electric division substation technician is a full-time, hourly position responsible for the inspection, testing, repair, maintenance, troubleshooting, and calibration of high, medium and low voltage Power System components from 69kv to 480v, including: 2 winding power transformers, L.T.C's, potential and current transformers, oil and Sf6 circuit breakers, circuit switchers, GOAB's, station batteries, and other equipment necessary for power delivery. Additional responsibilities include power restoration, planning and installation of substation control house components. Two-year college certificate or equivalent; three to five years of relevant experience; valid Ohio Driver's License. A job description will be provided to applicants. Qualified persons must complete an application that is available in the Personnel Dept of the City of Bowling Green, 304 N Church St., Bowling Green, Ohio, 43402. [Online application](#). Résumés alone will not be considered. Telephone: 419.354.6200 Fax: 419.352.1262 website: [www.bgohio.org](http://www.bgohio.org) email: [BGPersonnel@bgohio.org](mailto:BGPersonnel@bgohio.org). Application deadline is 4:30 p.m. on Nov. 27. AA/EEO  
(BGMEA Contract: \$36.97 - \$44.02 per hour)

## **Arcanum seeks water/wastewater operator 1**

The Village of Arcanum Utility Department is now accepting applications to fill a vacancy for water/wastewater operator 1. Duties include operating and maintaining electrical generation facilities,

monitoring water/sewer facilities, and performing physical labor within the utility department as needed.

Requirements include a high school education, Water Supply License and Wastewater Works License 1, a valid Ohio driver's license, and must possess a class B CDL endorsement or obtain within six months of employment.

Applications are available at the City Building located at 104 W. South St., Arcanum, Ohio, 45304 or [www.villageofarcanum.com](http://www.villageofarcanum.com). Job applications are not kept on file beyond six months, so any previous applicants are encouraged to re-apply. EOE.

## **Lineworker position available in Bradner**

The Village of Bradner is seeking a qualified full-time electrical line utility worker; responsible for operation and routine maintenance of the village electrical distribution system.

Must possess a high school diploma or GED and a valid class B, CDL license with air brake or obtain six months after hire date. Knowledge of overhead distribution lines and underground primary distribution lines required - water and wastewater experience helpful. May require pole climbing and operation and use of bucket truck. Position requires response within 30-minute time period to call-out emergencies, and 24/7 carry of village-issued cell phone for troubleshooting and emergencies, including holidays and weekends.

Position requires various duties to include but not limited to: water distribution repairs, assist in wastewater treatment plant, tree trimming power lines, road maintenance and snow removal, park and pool maintenance, lawn care and other general maintenance as required. Above duties will require working in all weather conditions. Twice monthly Board meeting attendance is also required.

Applications may be obtained at the Town Hall (located at 130 N. Main St., Bradner, Ohio) on weekdays from 8:30 a.m. - 5 p.m. or at [www.bradnerohio.org](http://www.bradnerohio.org). Candidates should return applications with résumé and supporting documentation that would be helpful for consideration of employment to the attention of James Smith, Board of Public Affairs President. They can also be mailed to PO Box 599, Bradner, Ohio, 43406, or emailed to [kkaminski@bradnerohio.org](mailto:kkaminski@bradnerohio.org).

## **Bryan hiring operations manager**

Bryan Municipal Utilities is currently accepting applications for an operations manager. This position reports to the director of utilities. The position oversees and administers all of the operational functions and components of the Communications Department, Electric Transmission and Distribution Department, Power Plant Department, Water Distribution, Water Supply and Treatment Departments, Utilities Engineering Department and the general office within Bryan Municipal Utilities. Responsible for overall management of projects, environmental reporting and compliance and the implementation of policies and procedures in all utilities functions.

A job description with qualifications may be downloaded from [www.cityofbryan.net](http://www.cityofbryan.net). Please submit résumé by Nov. 13 to [humanresources@cityofbryan.com](mailto:humanresources@cityofbryan.com) or mail to 841 E. Edgerton St., Bryan, Ohio, 43506. EOE

## **New Knoxville offering Christmas wreath decorations for sale**

The Village of New Knoxville is offering for sale a total of 19 ornamental Christmas wreath decorations that can be mounted on power poles and/or street light standards.

The decorations are approximately four (4) feet in diameter with lighted center candles. Each unit has approximately 15 feet of garland that can be wrapped around the pole below the wreath. The cost is \$50 per unit (negotiable) and the village would prefer to sell all 19 units as one lot. Units must be picked up in New Knoxville, Ohio.

For more information, contact New Knoxville Administrator Rex Katterheinrich at 410.753.4504 or [admin@newknoxville.com](mailto:admin@newknoxville.com).



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