

DECEMBER 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
10	11	12	13	14	15	16
	6:00 pm Special Council					
	6:30 pm - Electric Committee & BOPA	4:00 pm - Records Commission		8:00 am Privacy Committee	10:00 am Healthcare Cost Committee	
	7:00 pm					
	Water/Sewer Comm.					
	7:30 pm – Municipal Properties ED Comm.					
17	18	19	20	21	22	23
	4pm-Civil Service Comm		11:00 am Bid Opening			
			WTP/WWTP Chemicals			
	7:00 pm-Hoops & Heroes					
	7:30 pm – City Council					
24	25	26	27	28	29	30
	<i>Closed</i>	CLOSED				
		<i>"Floating Holiday"</i>	11:00am Bid Opening Door Controller System			
31	January 1	02	03	04	05	06
	<i>Closed</i>					
		6:15 pm Technology Committee				
		7:00 pm - Council				

JANUARY 2018

◀ December

February ▶

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 New Year's Day City Offices Closed	2 6:15 pm Technology Committee 7:00 pm City Council	3	4	5	6
7	8 6:30 pm Electric Committee & BOPA 7:00 pm Water/Sewer Committee 7:30 pm Municipal Properties, Bldg, Land Use & ED Committee	9 4:30 pm Board of Zoning Appeals 5:00 pm Planning Commission	10	11	12	13 8:00 am Civil Service Testing / Police Officer
14	15 Martin Luther King 6:00 pm Parks & Rec Committee Tree Commission 6:15 pm Ad-hoc Comm. Organizational Health and Strategic Vision 7:00 pm City Council	16	17	18	19	20
21	22 6:30 pm Finance & Budget Committee 7:30 pm Safety & Human Resources Committee	23 4:30 pm Civil Service	24	25	26	27
28	29	30	31 6:30 pm Parks & Rec Board	Notes:		



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393
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: December 22, 2017

Subject: Finance and Budget Committee – Cancellation

The regularly scheduled meeting of the FINANCE AND BUDGET COMMITTEE for
Wednesday, December 27, 2017 at 6:30 pm has been *cancel*ed due to lack of agenda items.



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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 *G.J.H.*

Date: December 22, 2017

Subject: Safety and Human Resources Committee – Cancellation

The regularly scheduled meeting of the SAFETY AND HUMAN RESOURCES COMMITTEE for Wednesday, December 27, 2017 at 7:30 pm has been *cancelled* due to lack of agenda items.



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Memorandum

To: Civil Service Commission, City Council, Mayor,
City Law Director, City Manager, Department
Supervisors, Newsmedia

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

Date: December 22, 2017

Subject: Civil Service Commission-Cancellation

The regularly scheduled meeting of the Civil Service Commission for Wednesday, December 27, 2017 at 4:30 pm has been *canceled* at the direction of the Chair.



City of Napoleon, Ohio

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Memorandum

To: Parks and Recreation Board, City Council, Mayor,
City Law Director, City Manager, Department
Supervisors, Newsmedia

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

cc:

Date: December 22, 2017

Subject: Parks and Recreation Board – Cancellation

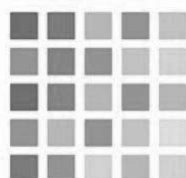
The regularly scheduled meeting of the Parks and Recreation Board for Wednesday, December 27, 2017 at 6:30 pm has been CANCELED due to lack of agenda items.



SEPA Energy Storage Working Group seeking participants

By Erin Miller - director of energy policy and sustainability

The Smart Electric Power Alliance (SEPA) is in search of municipal utilities to participate in the Energy Storage Working Group.



Smart Electric Power Alliance

Mission: The Smart Electric Power Alliance's (SEPA) Energy Storage Working Group (ESWG) is exploring the growing opportunities for incorporating cost-effective energy storage resources into the grid. ESWG's primary focus will be to accelerate the learning curve for optimizing energy storage assets in all aspects of utility operations, from planning and procurement, to customer adoption and grid management. ESWG will identify trends, business models and strategies in the full range of energy storage applications and facilitate the sharing of best practices from experienced utilities.

Who -- The working group is open to all SEPA members

Frequency of meetings -- Monthly, on the first Wednesday of every month

Time requirement -- Just calling in to listen when you have time is perfectly okay, there is no time/attendance requirement.

Joining ESWG: If you or your colleagues are interested in joining the working group, sign into your SEPA account and sign up [here](#). Just click on "get involved" once you've signed in. (Don't have a SEPA login? AMP is a member and you can get a login set up in less than two minutes [here](#).)

For more information, please contact Nick Esch at 202.559.1535 or nesch@sepapower.org.

Monthly NERC update call on December 21

By Art Iler - director of reliability standards compliance

AMP, in coordination with Utility Services, Inc., will host its monthly North American Electric Reliability Corporation (NERC) update call and webinar for members from 1:30 to 2:30 p.m. on Thursday, Dec. 21, 2017. Topics to be discussed include, among others:

- FERC's new commissioners
- NERC's 2018 Compliance Monitoring Enforcement Plan and ReliabilityFirst Appendix
- NERC's MIDAS FAQ
- NERC's Critical Infrastructure Protection standards
- FERC's Notice of Proposed Rulemaking regarding reliability standards

The presentation will be followed by a question and answer session.

Please contact me with questions, and for the dial-in number and webinar instructions at ailier@amppartners.org or 614.540.0857.

DEED seeking candidates for two awards

Each year the Demonstration of Energy & Efficiency Development (DEED) program presents two awards to member utilities that embody the spirit of the program in an outstanding manner. Apply and be recognized among your customers, community stakeholders and industry colleagues.



The Award of Continued Excellence recognizes a DEED member utility that has demonstrated continued commitment to DEED program ideals through involvement in grants and scholarships, pursuit of energy efficiency, use of renewable resources and support of public power. [Learn about past award winners.](#)

The deadline for submissions is Jan. 31. [Click here](#) to submit a nomination for the Award of Continued Excellence. The award will be presented at the 2018 [Engineering and Operations Technical Conference](#). For more information, [preview the nomination questions](#), refer to the [DEED Policy Manual](#) or email DEED@PublicPower.org.

The Energy Innovator Award recognizes utility programs that have developed or applied creative, energy-efficient techniques or technologies, provided better service to electric customers, or increased the efficiency of utility operations and resources. Learn about [past award winners](#) and review winning programs in home energy loans and community solar through this [webinar recording](#).

The deadline for submissions is Jan. 31. [Click here](#) to submit a nomination for the Energy Innovator Award. This award will be presented at our 2018 [National Conference](#). For more information, [preview the nomination questions](#), see the [DEED Policy Manual](#) or contact DEED@PublicPower.org.

AMP members that apply for consideration are asked to notify Michelle Palmer at 614.540.0924 or mpalmer@amppartners.org.

Painesville Councilmember Hach appointed to PMC

By Jolene Thompson - executive vice president of member services & external affairs

Paul Hach, Painesville City Council president, was appointed to a one-year term on the APPA Policy Makers Council (PMC). The PMC's mission is to assist APPA in moving legislation forward that is important to the public power electric utilities nationwide. The council is comprised of 45 members (40 regular members and five officers) who are either elected or appointed officials on the governing authorities of public power distribution utilities, including mayors, city council members, and elected or appointed board members. Four members are appointed to the PMC from each of the 10 geographic regions recognized by APPA. Currently, the following officials from AMP member communities serve on the council – Dover Mayor Richard Homrighausen and Montpelier Mayor Steve Yagelski. Please join us in congratulating Paul.



Finance and accounting webinar covers how Moody's rates municipal bonds

By Joe Regan - member credit compliance analyst

On Dec. 13, AMP hosted 39 participants from 25 communities in five states for the fifth Finance & Accounting webinar of 2017.

Matthew Butler, vice president-senior analyst with Moody's Investors Services, presented on how Moody's rates municipal bonds. Butler provided an overview of municipal bonds, including types of issuers, purposes of bond issuance and types of municipal bonds and parties involved in the issuance process. Additionally, Butler discussed the Moody's rating scale and how investors use it when evaluating credit. Butler then provided a discussion on the process Moody's utilizes when issuing a rating. Finally, Butler discussed the factors that impact General Obligation and Public Power Ratings.

For those who are interested in viewing this webinar a recording will be available to view on the AMP [member extranet home page](#). If you have any questions or need assistance finding the recorded webinar, contact me at 614.540.6913 or jregan2@amppartners.org.

Energy markets update

By Jerry Willman - assistant vice president of energy marketing

The January 2018 natural gas contract decreased \$0.031/MMBtu to close at \$2.684 yesterday. The EIA reported a withdrawal of 69 Bcf for the week ending Dec. 8. Market consensus for this week was a withdrawal of 63 Bcf. For comparison this week last year was a withdrawal of 147 Bcf. Gas in storage now stands at 3,626 Bcf. This is 1 percent under the five-year average of 3,653 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$34.45/MWh which was \$.81/MWh lower for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending Dec. 15				
MON	TUE	WED	THU	FRI
\$33.39	\$33.83	\$36.24	\$36.54	\$33.80
Week ending Dec. 7				
MON	TUE	WED	THU	FRI
\$26.68	\$27.55	\$30.95	\$35.17	\$35.75
AEP/Dayton 2018 5x16 price as of Dec. 14 — \$34.45				
AEP/Dayton 2018 5x16 price as of Dec. 7 — \$35.26				

AFEC weekly update

By Jerry Willman

Fremont plant operated in 2x1 configuration for the week. PJM LMP prices during the off peak hours were higher this week due to the colder overnight temperatures which helped to support the generation output at Fremont as displayed in the increased capacity factor. Duct firing operated for 80 hours this week. The plant generated at an 84 percent capacity factor (based on 675 MW rating).

Hoffman joins AMP as communications specialist

By Holly Karg - director of media relations and communications

Zachary Hoffman joined AMP on Dec. 13 as communications and public relations specialist. In his role with AMP he will put his writing skills and expertise to work for the many publications and member communications that AMP publishes.

Hoffman brings several years of experience building messages and outreach strategy in the utility industry, having previously served as a public information officer with the Public Utilities Commission of Ohio. Hoffman holds a bachelor's degree in public relations from the Ohio Dominican University. Please join me in welcoming Zachary to AMP.



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 and click on webinars. Non-members enter coupon code **AMP** to receive the member rate.

- Wireless Pole Attachment Regulation at the FCC and in the States **Dec. 7**
- A Public Power Guide to Understanding the U.S. Plug-in Electric Vehicle Market **Dec. 13**
- Workforce Series:
Game Changers and Gaps in the Energy Workforce Pipeline **Jan. 11**
- Governance Series:
Communicate the Public Power Advantage **Jan. 24**



Classifieds

Pemberville seeking a 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 resume and application to the Village of Pemberville, 155 Main St., P.O. Box 109, Pemberville, OH 43450, by Jan. 5, 2018.

Columbus seeking applicants for engineer II position

The City of Columbus Division of Power is accepting resumes for a vacant engineer II position. Salary: \$66,497 - \$99,736. This position will act as a project manager in the Power Engineering Section. This position will be responsible for administering plan review and project management for the Division of Power.

To qualify you must have a valid State of Ohio certificate as a registered professional engineer, five years of practical engineering experience, and have a valid motor vehicle operator's license.

If you are interested, please submit an application to the Civil Service Commission by applying online at www.csc.columbus.gov by Dec. 18, 2017. Please attach a resume to your application. You may also apply by emailing your resume to DPURecruitment@columbus.gov.

If you prefer to mail in a paper application, please mail it to: Lindsay Tartt, 910 Dublin Road, Columbus, Ohio 43215, phone: 614.645.5802, fax: 614.645.0500. Pre-employment medical/drug screen and background investigation required if selected. EOE

Carey seeking two journeyman-lineman

The Village of Carey is seeking applications for two qualified journeyman-lineman with a minimum of four-years experience. The journeyman-lineman role is responsible for operation and routine maintenance of the village transmission, substation and distribution system. Applicant must possess a high school diploma or GED, and a valid class B, CDL license with air brakes or obtain same within six months of hire date. Knowledge of overhead and underground primary distribution lines required. May require pole climbing and operation and use of a bucket truck, differ truck, trencher or other required equipment.

Position requires a 30-minute response time to call out emergencies including: holidays, weekends and standby time in rotation with other department members.

Position requires varied integrated additional duties to include but not limited to: snow removal, tree trimming to clear power lines and other general maintenance duties. Any of the above may require working in inclement weather.

Applications may be obtained at the village offices, 127 North Vance Street Carey, weekdays from 8 a.m. until 5 p.m. Candidates should return applications with resume and all supporting documentation helpful in consideration of employment to the attention of the Village Administrator. EOE / Drug testing. Applications will be accepted until positions are filled.

Pay range \$23.75-\$26.25.

Montpelier seeking supervisor of administrative services

The Village of Montpelier is taking applications for the position of Supervisor of Administrative Services until 4:30 p.m. on Monday, Dec. 18, 2017. The position requires completion of secondary education; minimum of 5 years of experience in administration and municipal government operations; familiarity with building codes and construction; knowledge of utility systems, ability to examine and interpret blue prints; supervisory training and experience in civil and architectural engineering, including electric, water, wastewater and storm sewer utilities. Will act as the liaison between the village manager and the various village departments. Qualified candidates must possess a valid Ohio driver's license. This is a full-time position with a great benefit package. Application and complete job description may be found online at www.montpelieroh.net/employment_opportunities.html.

Please mail cover letter, resume including references and application to: Village of Montpelier, c/o Kevin Brooks, P.O. Box 148, Montpelier, OH 43543. Inquiries should be directed to Kevin Brooks at 419.485.5543. EOE.

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 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)

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. 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. 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.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Director of AFEC facility

Electrical engineer

Senior accountant

Hydro plant operations and maintenance supervisor - Smithland

Hydro plant operator II - Willow Island

Hydro plant operator I - Willow Island

For complete job descriptions, please visit the "careers" section of the [AMP website](#).

American Municipal Power, Inc.

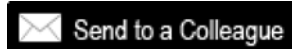
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Legislative Bulletin

December 15, 2017

OML UPDATE AT-A-GLANCE

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

- On behalf of 22 of their members, the Regional Income Tax Agency (RITA), filed suit Monday against the state over the centralized collection of municipal net profit language and the Home Rule violations via HB 49, the recently passed two-year state operating budget. This challenge is in addition to the existing lawsuit filed by 137 municipalities in November.
- The Cuyahoga County Court of Common Pleas ruled last Thursday in favor of several municipalities, including Cleveland, in their challenge of constitutional violations included in SB 331, from the last General Assembly, on the subject of small cell wireless infrastructure. The court agreed with the challenge that the inclusion of the language to the Petland bill violated the single-subject rule.
- Infrastructure: The nation has roughly 1 million miles of pipes, many of which were laid in the early to mid-20th century. Those pipes have a typical lifespan of 75 to 100 years.

GENERAL ASSEMBLY FINISHES WORK FOR 2017

Wednesday was the last day for the Ohio General Assembly to hold committee hearings and voting sessions for the year. It has been a busy first half of the 132nd GA legislative session, as our members will attest. The League will not produce a legislative bulletin next week as activity around Capital Square grinds to a halt until the legislature returns to Columbus in mid-January. We will have a final year-end legislative bulletin the last week of December, as a recap of 2017.

From all of our staff and our families, we wish everyone a safe and enjoyable holiday and a bright new year!

SERP AMENDMENT NOT ADDED TO HB 69

As those who have been following our special bulletins this week will know, we are pleased to share that the Senate Ways and Means committee followed the advice of our municipal officials from around the state and did not include an amendment to HB69 exempting Supplemental Executive Retirement Plans (SERPs), along with other non-

qualified defined benefit plans including non-statutory stock options and restricted stocks, from municipal income tax. The language was also retroactive to Jan. 1, 2016, meaning municipalities would have had to pay two years' worth of refunds out of 2018 municipal budgets with funding that does not exist. A copy of the amendment that was to be offered can be found [HERE](#) along with a letter the League sent to members of the General Assembly [HERE](#) outlining concerns our members have with the proposal.

The League wants to extend our thanks to both the local leaders who reached out to legislators and to the members of the General Assembly who recognized the significant blow the amendment would have to already fragile municipal revenues and encouraged their fellow legislators to support rescinding the language.

As a reminder, this is the second attempt by some influential special interests who are motivated to see language like this inserted into legislation that is on track for passage. The first attempt was on the Senate floor last year in late November during the Lame Duck session. Like the language that was proposed this week, time had not been afforded for the language to be properly vetted by all parties impacted by the proposal, including municipalities, and would have resulted in harmful consequences (both intended and unintended) to municipal governments and taxpayers alike. We are hopeful that as the legislature continues to pursue the exclusion of SERP income from the municipal definition of a pension, that there will be more opportunity to review what the courts ruled and how that effects municipal ordinances statewide.

With that being said, we fully expect legislative language will be proposed next year to address this issue. We ask that our members remain vigilant on the subject with their legislative delegation. The legislature is listening and values the input from their local leaders who will be directly impacted by any changes made.

There were four amendments that did make it into HB 69 which cover a range of local issues. They were:

- \$80 million in "transition funds" to counties in relation to the loss of the Medicaid MCO sales tax revenue. The money, which is in addition to the budget's allocation of \$207 million in transition funds, will be taken from the budget's "unclaimed funds".
- a change that clarifies HB 49 language on local sales tax levies by allowing for increments of 0.1 mills as well as 0.25 mills;
- a streamlined procedure for including retail enterprises in enterprise zones;
- the elimination of a requirement that local governments have to get certifications from county auditors when seeking additional property tax revenue.

We will keep our members aware of any new developments on this issue when the legislature returns to the Statehouse early next year.

AUDITOR'S FINANCIAL HEALTH INDICATORS SHOW MORE CITIES IN FISCAL STRESS

This week, State Auditor David Yost held a press conference to share data collected from the recently developed Financial Health Indicator (FHI) system for 2016. The FHI, which was unveiled by the Auditor's office a year ago January, exists to help cities and

counties recognize, fix or prevent fiscal stress. Using 17 factors to conduct what the auditor terms a "fiscal physical", the system is meant to be used as a tool for cities and counties to address fiscal challenges. New changes to the online reporting system enable users to more easily search by population size and geographic location.

According to the FHI, 9 cities are showing signs of financial stress in 2016 that also showed fiscal stress in 2015. Indicators point to six other cities which could be two or three years from experiencing fiscal stress as well. As Auditor Yost explained, the signs of fiscal stress are often a result of financial factors that are beyond the cities' control - not the result of mismanagement.

The FHI also indicates 111 of the 247 cities being tracked show more cautionary or even critical indicators than they did in 2015. It's worth noting that a change in how pension liabilities should be reported could have apparently caused a false negative for some cities in 1 to 3 indicators.

You can check out the FHI for yourself [HERE](#).

COMMITTEE RECAP: MUNICIPAL BILLS OF INTEREST

In a flurry to give bills additional attention before the new year and before the brief legislative calendar next year due to the election year, there was a significant amount of legislative activity this week. Below are the bills that impact municipalities which received committee hearings that you should be aware of:

- **HB 371 - PROPERTY TAX.** Sponsored by Rep. Merrin (R - Monclova Township), the bill would exempt from property taxation the increased value of land subdivided for residential development until construction commences or the land is sold. During its fifth hearing before the House Ways and Means committee, the bill was amended to put a 10-year cap on the exemptions. The amendment also clarifies that the frozen property value is based on what county auditors deem "fair market value" and not CAUV, and it changes how the bill describes unexempted value versus ascribed value. It clarifies the bill language should not be implemented counter to normal appraisal methods and adds a technical amendment from LSC. Even with these amendments, the bill still preempts municipalities and would cost local governments revenue, so the League remains opposed to this legislation.
- **HB 298 - SICK DAYS.** Sponsored by Rep. Merrin (R - Monclova Township), the bill would make changes with respect to the number of sick days provided to public employees. In sponsor testimony, Rep. Merrin shared with committee members that his legislation would grant state and local employees equity and save taxpayer dollars. As this legislation would preempt current municipal administrative practices and local decisions, the League opposes the bill.
- **HB 343 - PROPERTY VALUES.** Sponsored by Rep. Merrin (R - Monclova Township), the bill would require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. During its fifth hearing before the House Ways and Means committee, the bill was amended to establish standard requirements for the ownership of parcels versus individual parcels. It also allows notices to be sent either through certified or regular mail and clarifies that if an owner is misidentified in a complaint then it can't be dismissed. The amendment also clarifies that municipal complaints need

the approval of the city council. Due to the unnecessary burden this bill would place upon municipal legislative bodies, the bill is opposed by the League.

- **HB 415 - ROAD IMPROVEMENT.** 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. During its second hearing before the House State and Local Government committee, proponents of the bill spoke to local government's need for more funding for road maintenance and improvement. The League supports this bill.
- **SB 61 - PUBLIC TRANSPORTATION.** Sponsored by Sen. Skindell (D - Lakewood), the bill increases General Revenue Fund dollars for the current fiscal year by \$5 million and increases public transportation funding to \$25 million for FY 2018 and 2019. During its first hearing in the Senate Transportation, Commerce and Workforce committee, Sen. Skindell cited a 2015 Ohio Statewide Transit Study that concluded Ohio needs to double public transportation services by 2025 or the state would not be able to keep up with demand. The League supports this bill.
- **HB 281 - BROADBAND EXPANSION.** Sponsored by Rep. Carfagna (R - Genoa Township), the bill would establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation. During its third hearing in the House Finance committee, the bill was amended to offer interested local governments more funding options and eliminates the funding ratio requirements. It also reduces the speed of internet that must be available for an area to be considered under served. The League supports this bill, and provided joint written testimony with the Ohio Township Association, which you can read [HERE](#).
- **HB 378 - BROADBAND GRANTS.** Sponsored by Rep. Smith (R - Bidwell) and Rep. Cera (D - Bellaire), the bill would create the Ohio Broadband Development Grant Program and to make an appropriation. During its second hearing before the House Finance Committee, proponents - along with the Ohio Municipal League and the Ohio Township Association, testified in support of the bill. You can read the joint testimony [HERE](#).
- **SB 180 - FIREARM LAWS.** Sponsored by Sen Uecker (R - Miami Township) and Sen. Hottinger (R - Newark), the bill assigns to the prosecution the burden of disproving a self-defense or related claim, expands the locations where a person has no duty to retreat before using force under both civil and criminal law, and modifies 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. During its third hearing before the Senate Judiciary committee, both proponents and opponents testified on the bill. The League remains neutral on this legislation.
- **AM HB 3 - DATAOHIO.** Sponsored by Rep. Duffey (R - Worthington), this bill would create the DataOhio Board, specify requirements for posting public records online, require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, establish an online catalog of public data at data.Ohio.gov, and establish the Local Government Information Exchange Grant

Program. The bill had been amended in an earlier committee hearing to remove a \$10 million appropriation from the bill. During its third hearing in the House Finance committee, the bill was voted out of committee. The League, though disappointed with the removal of the appropriation, is a supporter of this bill.

- **HB 276 - UTILITY WORKERS.** Sponsored by Rep. Rezabek (R - Clayton) and Rep. Greenspan (R - Westlake), the bill would expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. During its third hearing in the House Criminal Justice committee, the bill was amended to add language dealing with the use of deadly weapons, to remove the provision enhancing the offense to a fourth-degree felony menacing and to provide other definitions for clarity. As some municipalities employ utility workers, the League is in support of this bill.
- **HB 392 - APIARY DAMAGES.** Sponsored by Rep. Stein (D - Norwalk), the bill would grant specified apiary owners immunity in personal injury or property damage cases. During its third hearing in the House Economic Development, Commerce and Labor committee, the bill's opponents testified against a special exemption for beekeepers and questioned the necessity of the bill. The League believes there are better ways to address concerns that may be associated with this issue and has had conversations with the bill sponsor. At this time the League is neutral on this bill.
- **HB 164 - ROOFING CONTRACTORS.** Sponsored by Rep. Patton (R - Strongsville), the bill would require commercial roofing contractors to have a license. During its third hearing in the House Economic Development, Commerce and Labor committee, opponents of the bill argued against the necessity of licensure. The League is neutral on this legislation.
- **HB 142 - CONCEALED WEAPONS.** Sponsored by Rep. Wiggam (R - Wooster) and Rep. Holmes (D - McDonald), the bill would modify the requirement that a concealed handgun licensee notify a law enforcement officer that the licensee is carrying a concealed handgun when stopped. During sponsor testimony before the Senate Government and Oversight Reform committee, Rep. Wiggam explained his bill updates current law, which says that not informing a police officer that you have your handgun with you is a misdemeanor of the first degree. The League is neutral on this bill.
- **HB 269 - WORKERS COMPENSATION.** Sponsored by Rep. Henne (R - Clayton), the bill would rename the entities who carry out workers' compensation functions in this state, require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and make changes with respect to compensation for permanent total disability and death benefits. During its third hearing in the House Insurance Committee, business groups spoke in opposition to the legislation. The League is neutral on the bill.
- **SB 6 - BRIDGE PROGRAM.** Sponsored by Sen. Hoagland (R - Mingo Junction), the bill would extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program. The bill, according to Sen. Hoagland's sponsor testimony, would simply extend the existing program. The bill was amended to

make failure to display a front license plate a secondary offense. The League is in support of the bill and neutral on the amendment.

GREATER OHIO UNVEILS CAPITAL BUDGET "ASKS"

The OML is happy to announce our support for several important initiatives the Greater Ohio Policy Center (GOPC) is pursuing through the 2019-2020 Capital Budget. As we have been sharing with our members in previous bulletins, every biennium, the state legislature passes a Capital Budget bill that earmarks funds for eligible community projects, including projects related to infrastructure and community develop programs. The Capital Budget bill for years 2019 and 2020 will be introduced early next year.

In addition to the founding of two new grant programs as a way to financially assist Ohio's local communities, the Center is asking for a 25% funding match from the state starting in FY 2020.

GOPC is proposing two new grant programs, entitled the "Quality Places, Quality Jobs" grant and the "Clean Ohio 2.0" grant. The first proposal would fund projects aimed at catalyzing revitalization in smaller, distressed Ohio cities. The second, "Clean Ohio 2.0", would be aimed at brownfield cleanup and redevelopment. The request being made is for a 25% match, or \$12 million each, which includes the creation of advisory councils made of relevant state agencies, representatives from nonprofit organizations and industry groups - all appointed by the Governor. The newly created council would choose which projects would be funded by the grants.

Both of these programs would be a significant boost to support local efforts to retain current jobs and attract new economic development opportunities statewide, while providing crucial financial assistance to Ohio's smaller distressed communities.

The League will be working hard to support these measures and we hope our members will see the same value in these investment opportunities for the state.

If you are interested in learning more about these funding requests and the creation of these grant programs, you can read more [HERE](#).

LEAGUE EXTENDS GRANTFINDER COMMITMENT

In the Fall of 2016, the League began a partnership with EfficientGov, an information service that tracks innovative solutions to fiscal and operational challenges facing cities and villages across the country.

Through this partnership with EfficientGov, interested League members were given access to Grantfinder, the ultimate grant search tool. GrantFinder is a real-time, online searchable database of almost every federal, state, foundation and corporate grant available to a community.

Due to positive feedback from users, we have renewed the contract and will continue to offer access to OML members at a low annual rate of just \$50.00. If you have interest in signing up for a GrantFinder license or have questions, please contact the League's Director of Member Services Chrissy Blake at cblake@omloho.org or 614-221-4349 ext.14.

Up Coming Meetings & Events

Mayor's Court Initial Training Program	January 18 & 19 February 14 & 15	<u>Registration Information</u>
Newly Elected Council Training Seminars	February 24, March 3 & 24	Registration Information Coming Soon
Webinar: Marsy's Law	January 25, 2018	<u>Registration Information</u>

Ohio Municipal League

Legislative Inquires:

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Special Bulletin: Court Cases Effecting Municipalities

From: "The Ohio Municipal League" <kscarrett@omlohio.org>

12/20/17 01:19 PM

To: rdietrich@napoleonohio.com



Special Bulletin: Court Cases Effecting Municipalities

December 20, 2017

OML UPDATE AT-A-GLANCE: CHRISTMAS EDITION

Ready for the Christmas season? How well-versed are you in Christmas trivia? Let's find out!

- Did you know America has Ohio to thank its introduction to the candy cane? It's true! While the candy cane was invented in 1670 by a German choirmaster, Americans didn't know about the candy until a German immigrant named August Imgard decorated the tree in his home in Wooster, Ohio with candy canes in 1847.
- Despite the introduction to the candy cane, Ohio did not make Christmas a legal holiday for another ten years: the holiday was legally recognized by Ohio in 1857.
- While the classic Christmas movie "A Christmas Story" was based in small-town Indiana, the movie's famous Parker family house is actually in Cleveland! Fans can visit the house and the nearby museum for a behind-the-scenes movie experience.

COURTS RULE ON MUNICIPAL CASES

While the Legislature has left the Statehouse in anticipation of the upcoming holidays, the courts have been kept busy. Two separate rulings on cases impacting municipalities occurred last week. Here's what happened:

SUPREME COURT RULING FAVORS MUNICIPALITIES IN RED LIGHT TRAFFIC CASE

On Wednesday of last week, the Ohio Supreme Court sent both Toledo and Springfield's cases involving traffic cameras back to the trial courts. Both cases are based on SB 342 of the 131st General Assembly, which regulated how red-light and speed cameras could be operated within municipal jurisdictions. Both *Toledo v. State* and *Springfield v. State* have been sent back to the Lucas and Clark County Courts of Common Pleas, after the Supreme Court vacated the

decisions made in both cases by the Sixth and Second District Court of Appeals rulings.

The Second District ruled in *Springfield* against the city in favor of the state in August 2015. The following August, the Sixth District ruled in favor of Toledo. The Supreme Court accepted the appeals of both cases, but decided to stay each case pending the ruling of *Dayton v. State*. Last summer, the *Dayton* ruling struck down the bill's requirement to have a police officer at working traffic cameras as an unconstitutional breach of local control. Other provisions that were ruled unconstitutional include the state prohibiting fines for those driving less than 10 mph over the speed limit in most areas, and the requirement that cities conduct both safety studies and public-information campaigns prior to issuing civil citations. These provisions, as the court ruled, were clear violations of Home Rule.

In remanding both cases back to the trial courts, the Supreme Court has also instructed that the common pleas judges apply the *Dayton* ruling to each case. Their decision also includes an Attorney General appeal, which accuses the Sixth District court of violating the separation of powers in blocking the Legislature's provision withholding Local Government Funds (LGF) from municipalities that operate traffic cameras outside SB 342's provisions.

This decision is a victory not only for those municipalities, but for Home Rule authority across the state. The League is glad to see the courts recognize the importance of local control and hopes the state continues to recognize the rights of cities and villages to make the best decisions for their communities on a local level.

COURTS UPHOLD MUNICIPAL HIRING AUTHORITY

Thursday of last week, the Eight District Court of Appeals ruled in favor of Cleveland, upholding the city's right to require the contractors working big government jobs to hire local workers.

The law, known as the "Fannie Lewis" law, mandates that projects costing \$10,000 or more within the city's jurisdiction must have 20% of its work done by city residents. The city filed its suit this past August, right before HB 180 of the 131st General Assembly would have taken effect. HB 180 had a provision banning local hiring quotas for public construction contracts.

According to the court's decision, the ruling was based on a city's constitutional power of local self-government under Home Rule. It is unclear yet whether or not the Attorney General's office will appeal the court's ruling to the Ohio Supreme Court. Meanwhile, the League is glad to see the courts continue to honor and uphold municipalities' constitution right to Home Rule.

The OML Staff would like to wish our members and their families a wonderful holiday followed by a bright and prosperous New Year!!

STAY CONNECTED:



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