



# City of Napoleon, Ohio

P.O. Box 151 ~ 255 West Riverview Avenue  
Napoleon, OH 43545  
Telephone: (419) 592-4010 Fax: (419) 599-8393

## Memorandum

**To:** Mayor and Members of City Council  
**From:** Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council  
**cc:** Joel L. Mazur-City Manager, Billy D. Harmon-City Law Director, Kelly O'Boyle-City Finance Director  
**Date:** January 20, 2020  
**Subject:** General Information

### MEETING CALENDAR

### CITY COUNCIL MEETING AGENDA

#### APPROVAL OF MINUTES

January 6, 2020 Regular Council Meeting Minutes

#### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 001-20**, an Ordinance Amending the Current Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Amending Ordinance No. 013-16 and Policy No. 0002 as was periodically Amended
  - I have included in your packet the current Investment Policy No. IP 16-0003 and also a copy of the Finance and Budget Committee Minutes from the October 22, 2018 meeting where the recommendation was made to have the policy align with the Ohio Revised Code.

#### SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 105-19**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$3,500,000, in Anticipation of the Issuance of Bonds for the Purpose of Paying the Costs of the Construction of a Municipal Swimming Pool with Related Facilities and Appurtenances, including the Demolition of Existing Facilities, together with all necessary and related appurtenances thereto, and Declaring an Emergency (Suspension Requested)

#### THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 098-19**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,352,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving related interests in Real Property, together with all Necessary and Related Appurtenances thereto; and Declaring an Emergency.
2. **Ordinance No. 099-19**, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio Law Director; and Declaring an Emergency

3. **Ordinance No. 100-19**, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio City Manager; and Declaring an Emergency
4. **Ordinance No. 101-19**, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio Finance Director; and Declaring an Emergency.
5. **Resolution No. 102-19**, a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the Year 2020; and Declaring an Emergency

**GOOD OF THE CITY** (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** PSCAF for January 2020 as three month averaged factor \$0.01695, JV2 \$0.062811
2. **Discussion/Action:** New Aquatic Center Concessions Area
3. **Discussion/Action:** Approval of Mural as presented by Jerry Tonjes
  - Enclosed is a copy of the mural painting Jerry would like to put on his building at 114 W. Clinton.
4. **Discussion/Action:** to have the Municipal Properties, Building, Land Use and Economic Development Committee as the Reviewing Board for Murals and Adopt Rules (direct Law Director to Draft Legislation)
5. **Discussion/Action:** Direct Law Director to Draft Legislation Authorizing Lori Sicclair as the OMEA Delegate
6. **Discussion/Action:** to Sole Source GIS Implementation Project (direct Law Director to draft Legislation)
7. **Discussion/Action:** to Participate in the ODOT 2020 Purchasing Program for Crack Sealing (direct Law Director to draft Legislation)
8. **Discussion/Action:** Appointments to the Tax Incentive Review Council (TIRC) for 2020
  - Jeff Comadoll and Jeff Mires were on the TIRC last year.

**INFORMATIONAL ITEMS**

1. Enclosed is information and the agenda to **Ohio Municipal League's Newly Elected Council Training Program**. If you would like to attend one of the sessions, please let me know.
2. Also in your packets are the **Ohio Ethics Commission Financial Disclosure Statement** forms. You can fill the forms out and return them to me by April 6<sup>th</sup> or you can file online. If you file online, please email the confirmation to me so the City can reimburse you the \$35.00 filing fee.
3. Tree Commission Meeting Agenda-Monday, January 20<sup>th</sup> at 6:00 pm
4. Canceled – Parks and Recreation Committee
5. Mark your calendar ~ Sunday, February 9<sup>th</sup> from 7:00 am – 1:00 pm the Napoleon Fire & Rescue Association will be having their Annual Pancake Breakfast 🥞 😊
6. OML Legislation Bulletin/01.17.2020

# January 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			<b>1</b> New Year's Day City Offices Closed	<b>2</b>	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b> 7:00 pm – City Council	<b>7</b>	<b>8</b> 6:30 pm - Special Parks and Rec Board Meeting	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> 6:15 pm – Electric Committee 6:15 pm - Board of Public Affairs 7:00 pm – Water/Sewer Comm. 7:30 pm – Municipal Properties Committee	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> 6:00 pm – Tree Commission 7:00 pm – City Council	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b> 6:30 pm–Finance & Budget 7:30 pm – Safety and Human Resources Committee	<b>28</b> 4:30 pm - Civil Service Commission	<b>29</b> 6:30 pm - Parks and Rec Board Meeting 7:00 pm – New Swimming Pool Aquatic Facility Commission	<b>30</b>	<b>31</b>	<b>01 FEBRUARY</b> 9:00 am Special Civil Service Commission Mtg.

# CITY COUNCIL

## MEETING AGENDA

**Monday, January 20, 2020 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. Mayor's State of the City**

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

1. January 6, 2020 Council Meeting Minutes.

**E. Citizen Communication**

**F. Reports from Council Committees**

1. **Electric Committee** met on January 13, 2020; and
  - a. Approved the January 2020 Power Supply Cost Adjustment Factor; and
  - b. Discussed the Substations
2. **Water, Sewer, Refuse, Recycling & Litter Committee** met on January 13, 2020; and
  - a. was given an update on the WWTP Phase I Project and Long Term Control Plan projects
  - b. Tabled Refuse Collection Rules
3. **Municipal Properties, Building, Land Use and ED Committee** met on January 13, 2020; and
  - a. recommended the Municipal Properties, Building, Land Use and ED Committee be the Reviewing Board for Murals, adopting rules
4. **Parks and Rec Committee**
  - a. Did not meet due to lack of agenda items.

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

1. **Parks and Recreation Board** met in a special meeting on January 8, 2020
2. **Board of Zoning Appeals** did not meet on January 14, 2020 due to lack of agenda items.
3. **Planning Commission** did not meet on January 14, 2020 due to lack of agenda items.

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

1. **Ordinance No. 001-20**, an Ordinance Amending the Current Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Amending Ordinance No. 013-16 and Policy No. 0002 as was periodically Amended

**I. Second Readings of Ordinances and Resolutions –**

1. **Ordinance No. 105-19**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$3,500,000, in Anticipation of the Issuance of Bonds for the Purpose of Paying the Costs of the Construction of a Municipal Swimming Pool with Related Facilities and Appurtenances, including the Demolition of Existing Facilities, together with all necessary and related appurtenances thereto, and Declaring an Emergency. *(Suspension Requested)*

**J. Third Readings of Ordinances and Resolutions**

1. **Ordinance No. 098-19**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,352,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving related interests in Real Property, Together with all Necessary and Related Appurtenances thereto; and Declaring an Emergency.
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8. **Discussion/Action:** Appointments to the Tax Incentive Review Council (TIRC) for 2020

**L. Executive Session.** *(Personnel)*

**M. Approve Payment of Bills and Approve Financial Reports.** *(In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)*

**N. Adjournment.**



Roxanne Dietrich

Executive Assistant to Appointing Authority/Clerk of Council

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

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Monday, February 3, 2020 @6:15 pm)*
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2020 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for February 2020
  - b. Substation Update.
  - c. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2020 @7:00 pm)*
  1. Update on Wastewater Treatment Plant Phase 1 Project
  2. Refuse Collection Rules (tabled)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2020 @7:30 pm)*
  - a. American Road/TIFF District.
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 17, 2020 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, January 27, 2020 @6:30 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, January 27, 2020 @7:30 pm)*
  - a. Fire Department Fee Schedule (Accident Crash Fees) Tabled
  - b. SAFER Grant
8. **Personnel Committee (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, February 10, 2020 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for February 2020
  - b. Update on Wastewater Treatment Plant Phase 1 Project
  - c. Electric Department Report
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, February 11, 2020 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, February 11, 2020 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 17, 2020 at 6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, January 28, 2020 @4:30 pm)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, January 29, 2020 @6:30 pm)*
7. **Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, May 12, 2020 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Tuesday, June 09, 2020 @4:00 pm)*
9. **Housing Council.**
10. **Health Care Cost Committee (as needed)**
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)**
  - a. Meeting: Monday, January 27, 2020 at 6:20 pm
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
  - a. Meeting: Monday, January 27, 2020 at 6:15 pm
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**



















asked how many people does that reduce, how many people can sit under the one we are going to reduce? Mazur said it is substantial, I think it's 24 feet by like 60 feet. Maassel asked so is the one on top or the one on the side going to be removed? Mazur replied where the cursor is from here over will be removed. When you walk this off, the remaining patio space is pretty substantial. It is a lot of space. People go golfing in good weather and when they come back to the clubhouse most likely a lot of people will want to sit outside. Unless it's too hot and they want to sit in the air-conditioning or something like. We wanted to make sure there was enough outdoor space for the outings and other things like award ceremonies and meals afterwards. We think this is an ample amount of space. The added space over here was *let's see what it looks like*. When you think about it, this section right here looks at the parking lot where this section looks at the 9th greens hole. It kind of makes sense to keep this and as one of the cost savings measures to omit this section as part of that design. Bialorucki asked if that will extend out further than where it does right now after this is all redone. Mazur responded that patio right now I believe is 12 by 24 so it is going to more than quadruple in size. Bialorucki stated his concern is, how close is it to the ninth green? Mazur said the building is not going to be where it is now. It's going to be setback. If you think about where it is now, that is going to be demoed. Look where the bathhouse is and it's going to actually be on the back side of where the bathhouse is. Bialorucki clarified so it won't be any closer to the ninth hole than it is right now. Mazur noted if anything it will be further to the left. It will be pushed off to the side a little more and most likely will be asphalt or some other. I think the cart space is set up different I believe it's in the back where it was before. If you look where the bathhouse is, it is going to come off the side where the bathhouse is. It's kind of hard to describe without the full footprint of everything. Back to the clubhouse portion. The seating capacity is 99, it was very strategic to keep it at 99. Once you go over a certain amount, by code you have to have a sprinkler system and that would substantially add to the cost of the project, so we wanted to keep that down. We still have enough room, there was some talk about adding a couple of simulators in the winter time and then maybe breaking them down in the summer time to add more space for people to come in and out for when people are golfing outside. We want to make sure there is some type of recreation activity for the six months the course is closed. Right now there's none, people have to travel to go to golfing simulators elsewhere. This counter space here was going to be adjusted too. The vestibule here, we had to cut down the square footage to get the maximum capacity down under 100. That was by design the sprinkling of the building. A couple of restrooms counter space and storage. This is the bathhouse side. We did have a larger break room before in the original design we actually cut that back to add a little more storage as a recommendation. This footprint likely won't change too much. If anything it'll just be minor stuff here and there. You have a little extra clubhouse storage up here and pool storage here. You look at the number of restrooms and this was probably the biggest challenge that we had all together. The number of restrooms that you have to have in the bathhouse is based on the amount of square footage of concrete that you have in the pool area. That is what they base it on, that's by code. In this case we have to have ample amount of restroom space. That's why you see so many of them and placed where they are. It's hard to add these up here to the main area because then you would have the wall shifting, it was a real challenge to fit them all in and also keep the concession stand where it is. You want to have people inside the pool area to be able to get concessions, there was a big push to have concessions on the outside too to serve the ball field and Glenwood Park. So while that's open people at that those parks can come over and get concessions rather than having to come inside of the pool area and buy concessions. The office lifeguard room, breakroom and family restrooms face the pool area. There's more storage because the idea is we're going to have more furnishings than we have now or have more equipment when we winterize it. So, we need to make this space available for that as well. There was some talk about the pumphouse, we're looking at adding another storage space for lane lines and things like that for the competition side, they take up a lot of space. Councilman Mires you are on the Commission too do you have anything to add. Mires replied everybody was in agreement on this plan, I believe it was a unanimous vote. A lot of thought went into it. Mazur continued as for the pool itself, that's still evolving but we're

narrowing down some of the features and like I said there's a lot to this. From furniture to umbrellas to colors to sizes for everything. From my perspective is, this is a very important project for everybody involved. Not just the Commission members, not just the people that committed their time to the levy and the Parks and Rec Board, but you know City Council and staff. Everybody has stake in this and wants it to be very successful. What I think is that this project is really coming together nicely. It is forming up nice. There are a lot of decisions to be made yet but it's really heading in the right direction and I'm really looking forward to it. Maassel asked if the concession area is in the right spot or should that and the bathroom be flip-flopped? The reason I ask is, we have people in the pool that have to go around the building to get the concessions. If you're on the playground you have to go around the building to get the concessions. If you're sitting watching the baseball game, there is usually a concession stand right there. That's why I'm wondering if it's on the wrong end of the building. If you put it on the other end you eliminate the side fence. You still have your concessions to that side, your big window then goes into the pool. Mazur said the idea is that I believe the fence will come around. Maassel replied, I know but if you turn it on the other end you don't need the fence. Mazur said the fence could come up to here I see what you mean. That way you've got an outdoor window and an indoor window. This was discussed at length the first go around. The big push was to have it on this side. It's hard to monitor the bathrooms too when you put the bathrooms up here when your entrance is right here with people coming in and out. Then you have your office, your window and people coming in and going and paying and getting in. Then they are coming out. It's the traffic flow of people issue that was discussed. They wanted the concession stand to face the outside, they wanted it up here by the parking lot. I totally see what you're saying it's just that was the recommendation from the Commission from the get-go to keep the concession where it is right now. Mires added originally it was down in the lower right corner but engineering, Peterman said that wouldn't work. Mazur said it was down here and that's when everybody said wait a minute you can't have it down there. We said we wanted it to have access for other people too and it became an issue. We can have that discussion to keep exploring that as an option to move the concessions back and then modify where the fence comes in at. Haase asked if they might get rid of the concession stand at the ballpark will they use that anymore? Mazur said that's not open all the time where the pool is open more so that people at Glenwood Park can come over. Maassel said if you're at Glenwood Park and you're playing on Kidz Kingdom and you look over at that building, all you are going to see is concessions behind the fence unless you know it's there. If you are at Kidz Kingdom you're not parking there you are parking over by Kidz Kingdom. If you turn it around you can look over at the pool and there's a concession stand right there. Mazur said I don't disagree. Maassel asked if Peterman changed it. Mazur replied, no this was the Commission that made the recommendation to move that. Maassel asked so you can see it from the parking lot? Mazur said you can see it from the parking lot and have access here. This would be to the inside of the pool and this would be to the outside of the pool. Maassel said you could put it in the other corner and you would not need the fence. Mazur said I think part of that might have to do with, so what you could do is because of the concrete for the pool area the fence may need to come out here a little ways and then back down and drop back down. You would still have a window and access to the outside. Maassel replied yea and you won't need a fence then. Mazur said it would be less fencing and maybe even less concrete because you wouldn't need all the concrete, I guess that would be the north side. Maassel asked so the Commission wanted it there so they could see it from the parking lot? Mazur replied I think they wanted it there so there was access to outside and inside with the consideration being that the fence line was going to enclose part of it. Maassel said if you put it down in the corner you would still have both access points without the fence. Mires said look at that picture up there, that kinda shows a little patio area there at the end where we're talking, on the east end there where the umbrella is there on the bottom right. Mazur said so you could keep your snacks on one side rather than bringing them into the pool area and the garbage and the other stuff, the wrappers and whatever else. What we are looking for is an approval of that recommendation to move forward with that. We could also continue to explore the possibility of moving this concession here, moving this bathroom up and just kind of really

look Maassel said I understand the flow issue, but if you made those doors right there basically exit only doors. There's no people coming in to go to the bathroom and then go onto the pool. You still have your crowd control on the left. I see that point we're going to use the bathroom while I'm here at the pool. It just seems to me if you put the fence like that and you put ten extra feet of concrete behind the fence. I'm sure it makes sense I just can't figure out how it makes sense. Mazur said if that's something you want the Commission to look at then we can Harmon pointed out so it's a recommendation to Council from the Commission. So, if Council would want to approve the recommendation they can. If Council as a body would like to send it back to the Commission for further revision you can do that as well. Mazur asked if we can do a combo, to approve it but have the Commission re-explore the moving of concessions but everything else continue moving forward. You can send it back to the Commission to take another look at the concessions and bathroom areas and see if they can be adjusted. Bialorucki asked if there is another Commission meeting scheduled. Mazur said not right now. We talked about it, like I said we covered a lot of ground we need to come back again when we start getting things a little more settled in. Mires said I wish Cotter was here too I can't remember that discussion on why it was moved. Mazur said there was some discussion about it was like everybody kind of honed in on that when that design came out when that was placed where were you're talking. Everybody honed in on it and it was criticized why it was placed there. They wanted more access to the outside and you know it was all closed in it was all fenced in at the time. So by moving the fence around a little bit Maassel commented you cut a hole in the wall and there's your window for the outside Mazur continued and you're talking about counter space if you look at the color drawing you're going to lose a little bit of space inside the fence, not that that's everything but it will have an impact. I definitely think it's worth looking at and maybe get an explanation from Peterman. Maassel commented, again let's see what they have to explain this is the way it has to work because of this and this, okay. But I just don't see that. Peterman says this is the easiest way to make the water work, the pipes I get it, but to be put on the other end you get more use out of the pool, you get more use to people at the park. Mazur said it needs a better explanation. Baer said one additional question, clarification on the current golf club house, that doesn't get destructed right now that stays until the season's over and then it goes. Mazur replied *correct*. The course will stay open during the summer while the construction is going on. There is a lot of logistics that are taking place right now too. Where to put the carts, how to keep the construction zone away from everything that goes on with the golf course. We'll make it work, there may be a little inconvenience from time-to-time. Harmon explained you can the approve the recommendation or you can send it back to the Commission or if you would like to send it back to a Committee to meet with the Commission or if you want to bring the Commission here to a Council meeting you can do that as well and have conversation as to what everybody's exactly looking for. Comadoll expressed that would be the best idea. Siclair said it sounds like there's a possible cost savings doing it the way you're saying. Maassel said there might be a legitimate engineering reason this has to be this way but there might also be if you put it here does it work, I don't know. Comadoll commented the way I'm looking at this your water and sewer are going to be down here so it's back-to-back. You have nothing up there in the concession area. Maassel said you have your sink there but then you also have your toiletries in the women and men's shower. Comadoll asked if that is a shower facility right there? Mazur replied *yeah*. Maassel said I think if they would come and explain why. Harmon asked do you need certain things to move forward? Mazur replied well, yeah we do. I mean if we can approve the plan as it is with a caveat so they can continue with everything else but move back to the Commission review the placement of where the concession area is. Harmon suggested might be mention when you want to have the Commission here for that conversation. It was the consensus of Council to be at the next Council meeting.

Motion: Siclair

Second: Bialorucki

to bring the Pool Commission to the next Council meeting for discussion on what everybody is exactly looking for regarding concessions at the pool.

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

**Award Contracts for Chemicals for Year 2020 for the Water Treatment and Wastewater Treatment Plants except for Liquid Aluminum Sulfate**

Mazur reported we went out to bid for the Water Plant and Wastewater Plant Chemicals. The bids came in and we're requesting approval to move forward with award of all the chemicals that were listed except for Liquid Aluminum Sulfate (alum). The reason being the price for alum came in higher than we had budgeted for and moving forward is not in the best interest of the City. The next agenda item is to rebid for liquid aluminum sulfate. We are seeking approval for the remaining chemicals that are for the Water Treatment Plant.

Motion: Durham

Second: Haase

to award the chemicals (except Liquid Aluminum Sulfate) for the Water Treatment Plant as noted in the Memorandum from Jeff Weis.

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

**Reject All Liquid Aluminum Sulfate Bids for the Wastewater Treatment Plant**

Harmon cited the reason for rejecting the bids is it would not be in the best interest of the City.

Motion: Comadoll

Second: Baer

to reject all liquid aluminum sulfate bids.

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

**Rebid Liquid Aluminum Sulfate**

Mazur stated there is nothing more to explain, we are requesting to rebid.

Motion: Comadoll

Second: Baer

to approve rebidding Liquid Aluminum Sulfate

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

**Investment Policy Updates (direct Law Director to Draft Legislation)**

Motion: Comadoll

Second: Durham

to direct the Law Director to draft legislation

Maassel asked what will be updated. O'Boyle replied these are changes from the Ohio Revised Code that was passed by the Finance and Budget Committee in October of 2018 and never made it to Council. This is a housekeeping item.

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

**Appointment of Two Councilmembers to the Volunteer Fire Department Fire Dependents Fund Board**

Motion: Mires Second: Siclair

to appoint Jeff Comadoll and Joe Bialorucki to the Volunteer Fire Dept. Fire Dependents Fund Board

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

Maassel commented, I pray you meet only one time.

**Appointment of Two Councilmembers to the Volunteer Peace Officers Dependents Fund Board**

Motion: Mires Second: Haase

to appoint Jeff Comadoll and Joe Bialorucki to the Volunteer Peace Officers Dependents Fund Board

Roll call vote on the above motion:

Yea-Durham, Comadoll, Siclair, Baer, Bialorucki, Mires, Haase

Nay-

**Motion Passed Yea-7, Nay-0**

**AROUND THE TABLE**

**Mazur** - the end of the year run volumes for Fire and EMS were we finished the year at 1,649 runs which is up by 40 compared to last year. This is the highest year and run volume that we've ever had for the eighth straight year. A couple of stats in 2011 the run volume was 1,174 and today's standard that's 40% higher or 475 more runs from 2011 to now. We'll have a Wastewater Treatment Plant update for the Water and Sewer Committee. I'm looking to do something similar like we're doing with the substations. We will just continue talking about it every month until we can get through some of the some of the projects. We have a few road dedications this year, we're looking at the Raymond Street extension, Clairmont at the school and the Westview Villas. Potentially another section of road might be built so I'm going try to get that squared away. I'm thinking about these things because we are in plowing season and it's not a dedicated road. Just kind of doing some cleanup things and to keep everybody apprised. The potholes were filled at the Canal Basin and a light was installed at the Yard Waste Site. I can't remember who brought those up but there's a light over there.

**Harmon** – It's good to be back, Happy New Year. I'm requesting an Executive Session for Pending Litigation.

**Durham** – All's good.

**Haase** - I have nothing tonight.

**Mires** – I have nothing tonight.

**Maassel** – Congratulations to the people who got sworn in tonight. Chief Mack congratulations on winning the basketball game and retaining the trophy. It's a good thing we're really good at putting out

fires and catching bad people because we're not very good at basketball. It was bad basketball for a great cause. Maassel asked Harmon when are we going to start using the dash20 for the Resolutions and Ordinances? We are still using dash19 and it's a new fiscal calendar year. Harmon replied when we get the ones that have been directed this year is when the dash20 will come. In two weeks I will do the State of the City so have that on the agenda.

**Bialorucki** - Congratulations to everyone who was sworn in. Very appreciative of Senator Rob McColley and State Rep Hoops for taking the time to come here. I thought that was great that they both took time out to come show their support. I read something on Facebook back on December 19<sup>th</sup>. I won't read the name or anything she says *my son got pulled over this evening by a Napoleon Police Officer due to a headlight being out. The officer instead of ticketing him gave a warning and handed him a hundred dollar bill and told him to get it replaced. There are some nice officers out there. Merry Christmas* I've been wondering who that officer was so, if that officer is his here could he please stand up? Chief Mack could you come up? Thank-you. Could you explain what you explained to me a little bit earlier tonight.

Chief Mac, yes, my honor. I want to thank everyone. It was just one stop of several. You hope to make an impact on someone. This could not be made possible without a couple of generous personal donors. They have been doing this for a long time dating back to Chief Weitzel's days. They do it every year the twelve days of Christmas. They donate about \$1,200 to us in hundred dollar bills and we try to pick an officer for different each day leading up to Christmas. That was just one encounter. I do want to take a moment if you would allow me to give you some of the other stories because I think it goes to say a lot for the officers that we have. To summarize real quick we had a group home where there was an individual that was physically mentally handicapped and officers run across this person almost daily. He was outside of Spangler's and they gave him a hundred dollars so he could go in and get out of cold. It was about 15 degrees that day and got a meal. We had an officer that went to the Henry County Health Department when they were doing shots and walked in and found a younger mother with a couple kids and gave them \$100 to kind of help them out. Several were young mothers and fathers that were shopping that we found around town and local businesses to an elderly couple that was shopping for an enormous amount of grandkids and the officer overheard them talking in Walmart so they donated it. We had an officer that knew of a situation where this individual was raising his sister's kids for most of the year due to substance abuse issues in the family and so the officer went to his house gave him \$100 and found out he was laid off that day, so it's kind of a nice/bad day it kind of made it a little bit better type of thing. It's individuals that we've come across during the year that this will help benefit them. There was a single mother with two small children one of the officers knew from a call that they were on she was a struggling single mother and she couldn't breastfeed because of lactose intolerant and the formula that they were on was very, very expensive so he stopped and gave her \$100 toward that type of thing. I appreciate the time letting me share some of them. It's humbling to see people and it's a great honor that we only have because of this generosity of this donor and they never want to be mentioned they just want positive interactions with law enforcement. That's a great thing and it's a testament to what we serve here in Napoleon. Thank-You Mr. President.

**Bialorucki** - We really appreciate the anonymous donors. Chief Mack thank-you for sharing the stories. Obviously the officers could just not take any time or put any thought into it and just hand out the hundred-dollar bills whenever they want. With those stories you just shared obviously they're finding people that really need it and people that have touched their lives when they were at a call or something. Thank you for sharing.

**Baer**- just one question Mr. City Manager. Have we had several water main breaks lately? Mazur replied *no*. Baer continued I just noticed there was digging along Jahns, there were digging on North Scott Street. Mazur said that was a water service, an individual home homeowner. The way it runs it's that way because the city Corp limit is at the railroad tracks so we don't have a dead-end line going to that location it actually cuts down whatever that last road is, Duquesne? The water service comes off of there that homeowners service is a really long service and they had to replace it because they had a leak on that line. Baer said



**Approved:**

**January 20, 2020**

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

**Submitted by:**

\_\_\_\_\_  
Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council

DRAFT

**ORDINANCE NO. 001-20**

**AN ORDINANCE AMENDING THE CURRENT INVESTMENT POLICY IN AND FOR THE CITY OF NAPOLEON, OHIO (INVESTMENT POLICY NO. IP 16-0003); AMENDING ORDINANCE NO. 013-16, AND POLICY NO. 0002 AS WAS PERIODICALLY AMENDED**

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

Section 1. That, the City previously adopted as the City’s official Investment Policy, Investment Policy No. IP 16-0003 currently on file in the office of the City Finance Director, having been recommended by the Finance Director and the Finance and Budget Committee of Council, having been reviewed, and Ordinance No. 013-16 being unanimously approved by Council on May 16, 2016.

Section 2. That, Investment Policy No. IP 16-0003 may be amended from time to time by motion of Council.

Section 3. That, Ordinance No. 013-16 and Investment Policy No. 0002, as well as later amendments thereto, are hereby amended by this Ordinance No. 001-20.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

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

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

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

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 001-20 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.*

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*Roxanne Dietrich, Clerk of Council*

# City of Napoleon, Ohio - Investment Policy



## CITY OF NAPOLEON, OHIO

# INVESTMENT POLICY

## IP16-0003

ORDINANCE EFFECTIVE DATE – June 15, 2016

Policy Updates: - New Policy by Ordinance No. 013-16, passed 5 / 16 /2016

NEW POLICY APPROVED AND ADOPTED BY CITY COUNCIL  
IN ORDINANCE NO. 013-16, passed 5/16/2016, Effective 6/15/2016

Repealing Ordinance 87-99, Passed November 15, 1999,  
INCLUDING ALL SUBSEQUENT AMENDMENTS THEREIN MADE BY MOTION OR LEGISLATION

Subsequent Policy Updates and Changes shall be approved by simple Motion of Council.

CITY OF NAPOLEON, OHIO  
255 WEST RIVERVIEW AVENUE  
P.O. BOX 151  
NAPOLEON, OHIO 43545-0151  
PHONE: (419) 599-1235  
FAX: (419) 599-8393  
E-MAIL: [gheath@napoleonohio.com](mailto:gheath@napoleonohio.com)

# City of Napoleon, Ohio - Investment Policy

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## APPENDIX'S ATTACHED:

- APPENDIX A - Chart of Accounts - Fund Listing
- APPENDIX B - Ordinance Authorizing Crediting of Interest
- APPENDIX C - Authorization to Invest (City and State Code Sections)
- APPENDIX D - Procedures Manual
- APPENDIX E - Ohio Ethics Law
- APPENDIX F - Authorized Brokers/Dealers, Banks and Advisors
- APPENDIX G - Ordinance Adopting Investment Policy

# City of Napoleon, Ohio - Investment Policy

## **POLICY 0.0 PREFACE:**

This document known as the Investment Policy (hereinafter referred to as **POLICY**), of the City of Napoleon, Ohio (hereinafter referred to as **CITY**), has been adopted and formally approved by the Legislative Body of the CITY, its City Council (hereinafter referred to as **COUNCIL**), in conjunction with the Revised Code of the State of Ohio as amended (hereinafter referred to as **ORC**), will govern the investments and the investment activities of the CITY.

## **POLICY 1.0 INVESTMENT POLICY MISSION STATEMENT:**

It is the **POLICY** of the CITY to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the CITY, and conforming to all ORC and CITY statutes governing the investment of public funds.

## **POLICY 2.0 SCOPE:**

This **POLICY** applies to all financial assets of the CITY. These funds are accounted for in the CITY's Comprehensive Annual Financial Report (hereinafter referred to as **CAFR**), and includes the following categories of funds:

### **2.1 Fund Categories:**

- 1) General Funds
- 2) Special Revenue Funds
- 3) Debt Service Funds
- 4) Capital Project Funds
- 5) Enterprise Funds
- 6) Internal Service and Agency Funds

See "**APPENDIX A**" for a detailed listing of Fund Numbers and Names. Fund income allocation is authorized by a separate City Ordinance and is attached as "**APPENDIX B**". These Appendixes shall be deemed automatically updated from time-to-time as funds are added or deleted. All new funds are established and approved by **COUNCIL**, or by State Legislative Action pursuant to the ORC.

## **POLICY 3.0 PRUDENCE AND DUE DILIGENCE:**

Investments will be made with judgment and care--under circumstances then prevailing--which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

### **3.1 Prudence:**

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.

# City of Napoleon, Ohio - Investment Policy

## **3.2 Due Diligence:**

Investment officials acting in accordance with written procedures of this INVESTMENT POLICY, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

## **POLICY 4.0 OBJECTIVE:**

The primary objectives, in priority order, of the CITY's investment activities shall be **Safety, Liquidity and Return on Investment:**

### **4.1 Safety:**

Safety of principal is the foremost objective of the investment program. Investments of the CITY shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will include steps to mitigate credit risk and interest rate risk.

- 1.) Credit Risk - the CITY will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
  - A - Limiting investments to the safest types of securities;
  - B - Diversifying the investment portfolio so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- 2.) Interest Rate Risk - the CITY will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
  - A - Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operation, thereby avoiding the need to sell securities on the open market prior to maturity;
  - B - Investing a portion of operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

### **4.2 Liquidity:**

The CITY's investment portfolio will remain sufficiently liquid to enable the CITY to meet all operating requirements which might be reasonably anticipated.

### **4.3 Return on Investment:**

The CITY's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the CITY's investment risk constraints and the cash flow characteristics of the portfolio.

# City of Napoleon, Ohio - Investment Policy

## **POLICY 5.0 DELEGATION OF AUTHORITY AND INVESTMENT PROCEDURES:**

Authority to manage the CITY's investment program is derived from the following: City Charter, Article 5, Section 5.03 and City Administrative Code of Ordinances - Chapter 137 all sections, and related sections of the ORC Chapters 135 and 731 (Sections 135.14 through 135.182, and Sections 731.57 to 731.59). All items listed are attached as "**APPENDIX C**". This Appendix shall be deemed updated from time-to-time as changes occur to those sections listed.

### **5.1 Management Responsibility:**

Management responsibility for the investment program is hereby delegated to the Finance Director (hereinafter referred to as **DIRECTOR**), who shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Pursuant to Section 137.03 of the City Administrative Code, in the absence of the DIRECTOR, the designated ACTING FINANCE DIRECTOR is authorized to take those actions on behalf of the CITY that are delegated to the DIRECTOR.

The DIRECTOR and his/her Assistants shall participate in any beginning and/or continuing education training programs sponsored by the Treasurer of the State of Ohio, the Auditor of State of Ohio, or any professional association such as the Government Finance Officers Association (GFOA) or the Ohio Association of Public Treasurers (OAPT). Through participation in such programs, the DIRECTOR and his/her Assistants will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

### **5.2 Investment Procedures:**

The DIRECTOR shall establish written procedures for the operation of the investment program consistent with this POLICY. The procedures should include reference to: safekeeping, PSA repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The ACTING FINANCE DIRECTOR is authorized to execute investment transactions, or delegate such authority, in the absence of the DIRECTOR. No person may engage in an investment transaction except as provided under the terms of this POLICY and following the procedures established by the DIRECTOR. Procedures are attached as "**APPENDIX D**". This Appendix shall be deemed updated from time-to-time as changes occur.

## **POLICY 6.0 ETHICS AND CONFLICTS OF INTEREST:**

### **6.1 Ethics:**

All State of Ohio ORC Ethics Laws and related statutes, see attached "**APPENDIX E**", shall apply to those with the responsibility and authority of investment transactions. This Appendix shall be deemed updated from time-to-time as changes occur.

# City of Napoleon, Ohio - Investment Policy

## **6.2 Conflicts of Interest:**

Investment officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officials and employees shall disclose to COUNCIL any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the CITY.

## **POLICY 7.0 AUTHORIZED FINANCIAL DEALERS, ADVISORS & INSTITUTIONS:**

The DIRECTOR will maintain a list of Financial Institutions and Advisors authorized to provide investment services to the City. See attached list “**APPENDIX F**” for approved financial institutions, advisors and dealers. This Appendix shall be updated from time-to-time as institutions or dealers are added or deleted.

### **7.1 Investment Advisors:**

The CITY may engage the services of an investment advisor (hereinafter referred to as ADVISOR) to assist in the management of the CITY investment portfolio in a manner consistent with the CITY objectives. Such investment advisor may be granted discretion to purchase and sell investment securities in accordance with this investment policy. The investment advisor must be licensed by the division of securities under section 1707.141 of ORC or registered with the Securities & Exchange Commission, and possess experience in public funds investment management specifically in the area of state and local government investment portfolios, or the investment advisor is an eligible institution as mentioned in section of 135.03 of the ORC.

### **7.2 Annual Review:**

The investment advisor must enter into a written investment advisory agreement with the CITY. The investment advisor must supply a copy of their Form ADV Part 2, or make a copy available, on an annual basis. In addition, the investment advisor must provide a periodic update to the CITY of the investment strategy, activity and portfolio metrics. Such update will be scheduled upon the request of the CITY on an annual basis, at a minimum.

### **7.3 Public Depository:**

No public deposit shall be made except in a qualified public depository as established by laws of the State of Ohio.

### **7.4 Policy Verification:**

The State of Ohio requires a copy of this POLICY to be forwarded to each investment advisor, bank, broker or dealer doing investment transactions with the CITY. Their signature will be required indicating that they have received, read, understand, and will abide by its contents when recommending or selling investments to the CITY. The CITY and/or ADVISOR will develop and provide an authorization form for this verification process.

# City of Napoleon, Ohio - Investment Policy

## **POLICY 8.0 AUTHORIZED & SUITABLE INVESTMENTS:**

The DIRECTOR is empowered to invest in any security specifically approved as a part of this POLICY, listed below, and any security listed in the ORC, Chapter 135, that may be amended from time-to-time. The DIRECTOR and/or ADVISOR may obtain competitive quotes for each investment transaction. Eligible obligations include but are not limited to:

### **8.1 Obligations of the United States Government:**

Bonds, notes, or other obligations of or guaranteed by the United States, or those of which the faith of the United States is pledged for the payment of the principal and interest thereon. This will include:

- 1) U.S. Treasury Bills;
- 2) U.S. Treasury Notes;
- 3) U.S. Treasury Bonds;
- 4) U.S. Treasury Strips.

### **8.2 Instrumentalities of the Federal Government:**

Bonds, notes, debentures, or any obligations or securities issued by any federal government agency or instrumentality. All federal government agency or instrumentality securities must be direct issuances of the federal government agency or instrumentality. Issuers include:

- 1) Federal Farm Credit Bank;
- 2) Federal Home Loan Bank;
- 3) Federal Home Loan Mortgage Corporation;
- 4) Federal National Mortgage Association.

### **8.3 Commercial Paper:**

Commercial Paper issued by any corporation incorporated under the laws of the United States or any state for which the following conditions apply:

- 1) Rated at the time of purchase in the single highest classification by two nationally recognized rating agencies.
- 2) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.
- 3) Any investment in commercial paper of a single issuer shall not exceed 5% of the CITY investment portfolio at time of purchase.
- 4) The maximum maturity is 270 days.
- 5) The combined total invested in commercial paper and bankers acceptances is limited to 40% of the CITY investment portfolio at time of purchase.

### **8.4 Banker's Acceptances:**

Banker's acceptances of banks insured by the Federal Deposit Insurance Corporation (FDIC) for which the following conditions apply:

- 1) The maximum maturity is 270 days.
- 2) The combined total invested in commercial paper and bankers acceptances is limited to 40% of the CITY investment portfolio at time of purchase.

### **8.5 Master Repurchase Agreements:**

Repurchase Agreements with banks or institutions that have signed a written "Master Repurchase Agreement" which is on file with the CITY and are eligible for investment under State of Ohio statutes.

# City of Napoleon, Ohio - Investment Policy

## **8.6 Certificates of Deposit:**

Interim deposits in the eligible institutions applying for interim monies as provided in Section 135.08 of the ORC. The award of interim deposits shall be made in accordance with Section 135.09 of the ORC.

This includes investments in Certificates of Deposit with FDIC insurance coverage on the full amount of deposit plus accrued interest administered through the Certificate of Deposit Account Registry Service (CDARS). Eligibility of this investment is outlined in ORC.135.144 and would also apply to any other program that is deemed to meet the requirements of such statute.

## **8.7 Municipal Securities:**

Bonds and other obligations of the State or its political subdivisions provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

- 1) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.
- 2) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.
- 3) The aggregate value of the bonds or other obligations does not exceed 20% of the City's investment portfolio at the time of purchase.
- 4) The CITY is not the sole purchaser of the bonds or other obligations at original issuance.

## **8.8 Money Market Mutual Funds:**

No-load money market mutual funds consisting exclusively of securities described in paragraphs 8.1 and 8.2 of this Section and repurchase agreements secured by such obligations, provided that the investments in securities described in the division are made only through eligible institutions mentioned in Section 135.03 of the ORC.

## **8.9 Other Suitable Investments:**

- 1) The Ohio State Treasurer's Asset Reserve Fund (STAR Ohio).
- 2) The STAR Plus Federally Insured Cash account.

## **POLICY 9.0 COLLATERALIZATION:**

Collateralization will be required on two types of investments: CD's and repurchase (and reverse) agreements.

### **9.1 Certificates of Deposit:**

CD's must be backed by collateral with a market value of at least one hundred five percent (105%) of pooled collateral of the certificate's value, less FDIC, by a surety bond, or other as allowed by ORC.

### **9.2 Collateral Holding:**

The collateral for certificates of deposit may be held by a third party, or in a separate trust account, or in a pool of securities as defined in Chapter 135 of the ORC. Specific collateral issued will always be held by an independent third party with whom the CITY has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the CITY and retained. The right of collateral substitution is granted.

# City of Napoleon, Ohio - Investment Policy

The CITY's demand deposit accounts may be placed in an account which meets the pooled collateral requirements stated in ORC Chapter 135. In this case, the collateral may be held by the institution at which the active funds are deposited.

## **9.3 Repurchase Agreements:**

A Master Repurchase Agreement must be entered into between the CITY and the bank or broker/dealer covering any investments in repurchase agreements.

The individual securities which collectively are the subject of a repurchase agreement become the property of the CITY for the period of the agreement and are to be held by a third party for safekeeping. In order to anticipate market changes and provide a level of security for all funds invested under a repurchase agreement, the collateralization level will be one hundred two percent (102%) of the market value of principal and accrued interest.

## **POLICY 10.0 SAFEKEEPING AND CUSTODY:**

All security transactions, including specific collateral for repurchase agreements, entered into by the CITY, except CD's, shall be conducted on a **delivery-versus-payment (DVP)** basis. Securities will be held by a third party custodian designated by the DIRECTOR and evidenced by safekeeping receipts.

## **POLICY 11.0 DIVERSIFICATION:**

The CITY will consider diversification in its investments by security type and institution. Portfolio allocations by percentage of total funds available at time of investments are:

1) U.S. Government Guaranteed Obligations	100%
2) Obligations of Federal Instrumentality's	100%
3) Certificates of Deposits	100%
4) Repurchase Agreements	100%
5) Star Ohio (Authorized Pool)	100%
6) Commercial Paper & Banker's Acceptances Combined	40%
7) Commercial Paper per Issuer	5%
8) Municipal Securities	20%
9) Money Market Mutual Funds	100%
10) Star Ohio or Star Plus	100%

## **POLICY 12.0 PROHIBITED INVESTMENT PRACTICES:**

The CITY is prohibited by state law from investment in stripped principal or interest obligations, reverse purchase agreements and derivatives. The issuance of taxable notes for the purpose of arbitrage, as well as the use of leverage and short term selling is also prohibited.

## **POLICY 13.0 MAXIMUM MATURITIES:**

To the extent possible, the CITY will attempt to match its investments with anticipated cash flow requirements.

# City of Napoleon, Ohio - Investment Policy

## **13.1 Maximum Maturity:**

The maximum maturity for any investment including certificates of deposit but excluding commercial paper and banker's acceptances will be five (5) years from the date of purchase unless, as per the ORC, the investment is matched to a longer term liability of the CITY. Commercial paper and banker's acceptances are limited to a maximum maturity of 270 days.

Investments shall be made with the reasonable expectation they can be held to maturity. Securities may be redeemed or sold prior to maturity to meet additional liquidity needs, to enhance the yield of the portfolio, to re-structure the portfolio or to realize any capital gains.

## **POLICY 14.0 INTERNAL CONTROLS:**

The DIRECTOR shall establish an annual process of independent review by an external auditor. This review will provide internal controls by assuring compliance with policies and procedures. Annual Audits are directed or performed by the State of Ohio, State Auditors Office.

## **POLICY 15.0 PERFORMANCE STANDARDS:**

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

## **15.1 Market Yield- Benchmark:**

The entity's investment strategy is active. Given this strategy, the basis used by the DIRECTOR to determine whether market yields are being achieved shall be the one year U.S. Treasury Bill.

## **POLICY 16.0 REPORTING:**

The DIRECTOR shall provide COUNCIL, at a minimum, quarterly investment reports which provide a clear picture of the status of the current investment portfolio. The reports should include comments on the fixed income markets and economic conditions, discussions regarding restrictions on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies.

## **16.1 Reporting Format:**

Schedules in the quarterly report should include the following:

- 1) A detailed listing of individual securities held at the end of the reporting period by authorized investment category.
- 2) Average life and final maturity of all investments listed.
- 3) Coupon, discount or earnings rate.

# City of Napoleon, Ohio - Investment Policy

- 4) Par value, Amortized Book Value and Market Value as applicable.
- 5) Percentage of the Portfolio represented by each investment category.

## **POLICY 17.0 INVESTMENT POLICY ADOPTION:**

The CITY's POLICY shall be adopted by Ordinance of the CITY's legislative authority, see "**APPENDIX G**". This POLICY may be reviewed annually by the COUNCIL and modifications made thereto must be approved by the COUNCIL on a simple Motion.

## **POLICY 18.0 SIGNATURES (APPOINTING AUTHORITY):**

_____ Monica S. Irelan, City Manager	_____ <i>/S/</i> Monica S. Irelan, City Manager
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_____ Gregory J. Heath, Finance Director	_____ <i>/S/</i> Gregory J. Heath, Finance Director
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## **APPROVED AS TO FORM**

_____ Lisa L. Nagel, Law Director	_____ <i>/S/</i> Lisa L. Nagel, Law Director
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# City of Napoleon, Ohio - Investment Policy

## POLICY 19.0 GLOSSARY:

**Agencies:** Federal agency securities and/or Government-sponsored enterprises.

**Asked:** The price at which securities are offered.

**Bankers' acceptance (BA):** A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

**Bid:** The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

**Broker:** A broker brings buyers and sellers together for a commission.

**Certificate of Deposit (CD):** A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

**Collateral:** Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public funds.

**Comprehensive Annual Financial Report (CAFR):** The official annual report for the City of Napoleon, Ohio. It includes five (5) combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

**Coupon:** 1.) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. 2.) A certificate attached to a bond evidencing interest due on a payment date.

**Dealer:** A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

**Debenture:** A bond secured only by the general credit of the issuer.

**Delivery Versus Payment:** There are two (2) methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

**Discount:** The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

**Discount securities:** Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

**Diversification:** Dividing investment funds among a variety of securities offering independent returns.

**Federal Credit Agencies:** Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

**Federal Deposit Insurance Corporation (FDIC):** A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

# City of Napoleon, Ohio - Investment Policy

**Federal Farm Credit Banks (FFCB):** The Federal Farm Credit Banks Funding Corporation is an integral part of the Farm Credit System, a leading provider of loans, leases and services to rural communities and U.S. agriculture. The Farm Credit System is a government sponsored enterprise, created in 1916 and dedicated to assuring a steady source of financing to qualified borrowers. The Funding Corporation issues highly rated notes and bonds on behalf of the four Banks of the Farm Credit System: AgFirst FCB, AgriBank, FCB of Texas and CoBank, ACB and partners with a select group of dealers to market and distribute the securities to investors in the United States and around the world.

**Federal Funds Rate:** The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

**Federal Home Loan Banks (FHLB):** Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

**Federal Home Loan Mortgage Corporation (FHLMC):** The Federal Home Loan Mortgage Corporation (FHLMC), known as Freddie Mac, is a stock-holder owned government-sponsored enterprise (GSE). The FHLMC was created in 1970 to expand the secondary market for mortgages in the US. Along with the Federal National Mortgage Association (Fannie Mae), Freddie Mac buys mortgages on the secondary market, pools them, and sells them as a mortgage-backed security to investors on the open market. In addition Freddie Mac issues general debt obligations to fund its working capital requirements. Freddie Mac's securities are highly liquid and widely accepted.

**Federal National Mortgage Association (FNMA):** FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

**Federal Open Market Committee (FOMC):** Consists of seven members of the Federal Reserve Board and five (5) of the twelve (12) Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

**Federal Reserve System:** The central bank of the United States created by Congress and consisting of a seven (7) member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

**Generally Accepted Accounting Practice (GAAP):** Generally Accepted Accounting Practice for local governmental entities.

**General Purpose Financial Statements (GPFS):** General Purpose Financial Statements prepared for the entity reporting financial status.

# City of Napoleon, Ohio - Investment Policy

**Government National Mortgage Association (GNMA or Ginnie Mae):** Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "pass-through" is often used to describe Ginnie Maes.

**Liquidity:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

**Local Government Investment Pool (LGIP):** The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

**Market Value:** The price at which a security is trading and could presumably be purchased or sold.

**Master Repurchase Agreement:** A written contract covering all future transactions between the parties to repurchase--reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

**Maturity:** The date upon which the principal or stated value of an investment becomes due and payable.

**Money Market:** The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

**Municipal Securities:** A general term referring to a bond, note, warrant, certificate of participation or other obligation issued by a state or local government or their agencies or authorities (such as cities, towns, villages, counties or special districts or authorities). A prime feature of most municipal securities is that interest or other investment earnings on them are generally excluded from gross income of the bondholder for federal income tax purposes. Some municipal securities are subject to federal income tax, although the issuers or bondholders may receive other federal tax advantages for certain types of taxable municipal securities.

**Offer:** The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

**Open Market Operations:** Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

**Portfolio:** Collection of securities held by an investor.

**Primary Dealer:** A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

# City of Napoleon, Ohio - Investment Policy

**Prudent Person Rule:** An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Qualified Public Depositories:** A financial institution which does not claim exemption from the payment of any sales or compensating use or ad Valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits; as established by laws of the State of Ohio.

**Rate Of Return:** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

**Repurchase Agreement (RP OR REPO):** A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

**Safekeeping:** A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

**Secondary Market:** A market made for the purchase and sale of outstanding issues following the initial distribution.

**Securities & Exchange Commission:** Agency created by Congress to protect investors in securities transactions by administering securities legislation.

**Sec Rule 15c301:** See Uniform Net Capital Rule.

**Structured Notes:** Notes issued by Government Sponsored Enterprises (FHLB, BNMA, SLMA, etc.) And Corporations which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

**Treasury Bills:** A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three (3) months, six (6) months, or one (1) year.

**Treasury Bonds:** Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than ten (10) years.

**Treasury Notes:** Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two (2) to ten (10) years.

## City of Napoleon, Ohio - Investment Policy

**Treasury Strips:** Treasury STRIPS are fixed-income securities sold at a significant discount to face value and offer no interest payments because they mature at par. STRIPS is the acronym for Separate Trading of Registered Interest and Principal of Securities. STRIPS let investors hold and trade the individual interest and principal components of eligible Treasury notes and bonds as separate securities. When a Treasury fixed-principal note or bond or a Treasury inflation-protected security (TIPS) is stripped through the commercial book-entry system each interest payment and the principal payment becomes a separate zero-coupon security. Each component has its own identifying number and can be held or traded separately. STRIPS are not issued or sold directly to investors. STRIPS can be purchased and held only through financial institutions and government securities brokers and dealers.

**Uniform Net Capital Rule:** Securities and Exchange Commission requirement that member firms as well as non-member broker-dealers in securities maintain a maximum ratio of indebtedness of liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**Yield:** The rate of annual income return on an investment, expressed as a percentage.

- 1.) *Income Yield* is obtained by dividing the current dollar income by the current market price for the security.
- 2.) *Net Yield or Yield To Maturity* is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

# FINANCE AND BUDGET COMMITTEE

## Meeting Minutes

Monday, October 22, 2018 at 6:30 pm

**PRESENT**

Committee Members  
Asst. Finance Director  
City Manager  
Recorder/Records Clerk  
Others

Joseph D. Bialorucki-Chairman, Jeff Comadoll, Ken Haase, Jason Maassel  
Christine Peddicord  
Joel L. Mazur  
Roxanne Dietrich  
Eileen Stanic from Meeder Investment Management

**ABSENT**

**Call to Order**

Chairman Bialorucki called the Finance and Budget Committee meeting to order at 6:30 pm.

**Approval of Minutes**

Hearing no objections or corrections, the minutes of the September 24, 2018 Finance and Budget Committee meeting stand approved as presented.

**Investment Portfolio City Investment Policy**

Eileen Stanic from Meeder Investment Management, the advisor for the City of Napoleon, gave a presentation on the annual investment review (a copy of the review is attached to the minutes). Stanic began stating the key is what the feds are doing, what they are not doing and what they are planning on going forward. The interest rate target range is 2.00% to 2.25%, a year ago that range was 1.00% to 1.25%. The feds also anticipate an additional rate hike in December of 2018 to the short term interest rates by another 0.25% and have indicated there may possibly be an additional rate hike in 2019. The chart on page 4 shows where the interest rates have been and where they are now, the economic growth is stable but not strong. From 2010-2016 wage inflation was very low, it is just now starting to pick up and getting the market's attention. The national unemployment rate level is strong and with a higher demand for employees one way to overcome the labor storage is to increase wages. The feds are not concerned that inflation is either too high or deflated. Maassel commented it is interesting how they always omit energy and food, the two things we are going to use tomorrow are always omitted from inflation, probably because they both jump around too much. Stanic said the interest rate outlook on page 7 is what the market thinks the overnight rate will be, the market is expecting the feds will not get to 3%; but, they are forecasting 2.75%. A review of your portfolio shows cash at \$5.8 million with \$20,211,000 in securities, that is down a little from \$22.36 million a year ago. The average yield on securities is 1.74% with interest making it just under \$352,000. The holdings as of September 30, 2018 are a little over \$26 million. Maassel asked that includes the general fund and all enterprise funds? Stanic said "it does".

**City Investment Policy**

Stanic said the last revision to Napoleon's Investment Policy was made on June 20, 2016. Since then, the Ohio Revised Code (ORC), as it relates to collateral for city deposits, was changed that all deposits have to be collateralized meaning each bank has to set aside securities in the market value exceeding the value of your deposit; therefore, your investment policy has been revised to align with the ORC.

**Motion to Approve Revisions to City Investment Policy**

Motion: Maassel Second: Comadoll  
to recommend Council approve the City Investment Policy to align with the Ohio Revised Code.

**Passed**  
**Yea-4**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Maassel, Bialorucki, Comadoll, Haase  
Nay-

**Third Quarter Budget Adjustments**

Peddicord presented the third quarter budget adjustments. Comadoll asked why an additional \$23,000 was needed for AFSCME (200-5100)? Peddicord replied she was told by Heath the account was basically in the red and had to be supplemented. Mazur said he also asked Heath and was told this is not uncommon.

Mazur asked about the extra \$100 for the CIC. Peddicord explained there were fees from the sale of the former Senior Center and also the two parcels on Independence. Maassel asked if the \$18,000 for radios was the City's portion to the county? Peddicord responded "yes". Mazur said there was another unexpected \$8,900 for the radios in the 2100 account.

**Motion to Approve Third Quarter Budget Adjustments**

Motion: Comadoll Second: Haase  
to recommend Council approve the third quarter budget adjustments.

**Passed**  
**Yea-4**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Maassel, Bialorucki, Comadoll, Haase  
Nay-  
Joel

**Motion to Adjourn**

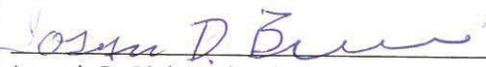
Motion: Maassel Second: Comadoll  
to adjourn the Finance and Budget Committee meeting at 7:15 pm.

**Passed**  
**Yea-4**  
**Nay-0**

Roll call vote on the above motion:  
Yea- Maassel, Bialorucki, Comadoll, Haase  
Nay-

**Approved:**

**March 25, 2019**

  
\_\_\_\_\_  
Joseph D. Bialorucki-Chair

**ORDINANCE NO. 105-19**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF THE CONSTRUCTION OF A MUNICIPAL SWIMMING POOL WITH RELATED FACILITIES AND APPURTENANCES, INCLUDING THE DEMOLITION OF EXISTING FACILITIES, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Ordinance No. 044-19 passed July 1, 2019, notes in anticipation of bonds in the principal amount of \$500,000, dated July 24, 2019 (the “*Outstanding Notes*”), were issued for the purpose described in Section 1, to mature on February 26, 2020; and,

**WHEREAS**, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$3,000,000 for the purpose described in Section 1; and,

**WHEREAS**, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) July 24, 2039 as to \$500,000 of the principal amount and (b) two hundred forty (240) months as to \$3,000,000 of the principal amount; **Now Therefore,**

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

Section 1. That, it is necessary to issue bonds of this City in the maximum principal amount of \$3,500,000 (the “*Bonds*”) for the purpose of paying the costs of the construction of a municipal swimming pool with related facilities and appurtenances, including the demolition of existing facilities, together with all necessary and related appurtenances thereto (the “*Improvement*”).

Section 2. That, the Bonds shall be dated approximately February 1, 2021, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2021.

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

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

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

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

“*Depository*” means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

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

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

Section 7. That, the proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Certificate of Award for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

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

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

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the

amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

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

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

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

setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. That, the services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

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

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

Section 17. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

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

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

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

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

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Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 105-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the \_\_\_\_ day of \_\_\_\_\_, 2020; and I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Roxanne Dietrich, Clerk of Council*

**CERTIFICATION OF RECORDS**

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 105-19, passed \_\_\_\_\_, 2020.

---

Roxanne Dietrich, Clerk of Council

---

Date

**SUPPLEMENTAL  
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Napoleon, Ohio, and supplementing the fiscal officer's certificate of July 1, 2019, I certify in connection with your proposed issue of notes in the maximum principal amount of \$3,500,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of the construction of a municipal swimming pool with related facilities and appurtenances, including the demolition of existing facilities, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Ohio Revised Code, is at least twenty (20) years, being my estimate of the life or period of usefulness of that Improvement.
3. The maximum maturity of the Notes is (a) July 24, 2039 as to \$500,000 of the principal amount and (b) two hundred forty (240) months as to \$3,000,000 of the principal amount.

Dated: December 31, 2019

  
\_\_\_\_\_  
Finance Director  
City of Napoleon, Ohio

**ORDINANCE NO. 098-19**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,352,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER SYSTEM BY IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, REHABILITATING THE ELEVATED STORAGE TANKS, AND ACQUIRING AND IMPROVING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO; AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Ordinance No. 085-18 passed January 7, 2019, notes in anticipation of bonds in the principal amount of \$2,428,000, dated February 26, 2019 (the “*Outstanding Notes*”), were issued for the purpose described in Section 1, to mature on February 26, 2020; and,

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

**WHEREAS**, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty-eight (28) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is March 7, 2033; **Now Therefore**,

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

Section 1. That, it is necessary to issue bonds of this City in the maximum principal amount of \$2,352,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal water system by improving and rehabilitating the existing water treatment plant and related storage facilities, rehabilitating the elevated storage tanks, and acquiring and improving related interests in real property, together with all necessary and related appurtenances thereto (the “*Improvement*”).

Section 2. That, the Bonds shall be dated approximately February 1, 2021, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2021.

Section 3. That, it is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,352,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “Certificate of Award”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; *provided* that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

“*Depository*” means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

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

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

Section 7. That, the proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Certificate of Award for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

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

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

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose,

the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

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

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

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

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

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

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

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

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

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

Section 13. That, the legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any

reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. That, the services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

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

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

Section 17. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

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

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

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

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 098-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_; and I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

**CERTIFICATION OF RECORDS**

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 098-19, passed \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

\_\_\_\_\_  
Date

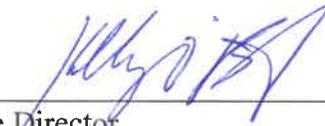
**SUPPLEMENTAL  
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Napoleon, Ohio, and supplementing the fiscal officer's certificate of February 4, 2013, I certify in connection with your proposed issue of notes in the maximum principal amount of \$2,352,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the municipal water system by improving and rehabilitating the existing water treatment plant and related storage facilities, rehabilitating the elevated storage tanks, and acquiring and improving related interests in real property, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is at least thirty (30) years, being my estimate of the life or period of usefulness of that Improvement; provided, however, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2018, that period beyond December 31, 2018 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of the Bonds is twenty-eight (28) years.
3. The maximum maturity of the Notes is March 7, 2033.

Dated: December 6, 2019

  
\_\_\_\_\_  
Finance Director  
City of Napoleon, Ohio

**ORDINANCE NO. 099-19**

**AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE CITY OF NAPOLEON, OHIO LAW DIRECTOR; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council desires to authorize a pay increase to the City Law Director; and,

**WHEREAS**, Council desires to make said changes effective with the pay period commencing on or about December 16, 2019; and,

**WHEREAS**, to achieve the above stated goals Council now desires to repeal Ordinance No. 014-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2020, that commenced on or about December 16, 2019, the biweekly salary of the City Law Director of this City shall be four thousand one hundred seven dollars and thirty-six cents (\$4,107.36) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, this Ordinance allows the terms and conditions of this pay increase to be retroactively applied, the same being hereby approved as it so exists.

Section 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 8. That, Ordinance No. 014-19 is repealed in its entirety effective December 16, 2019.

Section 9. 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 10. 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 11. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 099-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

**ORDINANCE NO. 100-19**

**AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE CITY OF NAPOLEON, OHIO CITY MANAGER; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council desires to authorize a pay increase to the City Manager; and,

**WHEREAS**, Council desires to make said changes effective with the pay period commencing on or about December 16, 2019; and,

**WHEREAS**, to achieve the above stated goals Council now desires to repeal Ordinance No. 015-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2020, that commences on or about December 16, 2019, the biweekly salary of the City Manager of this City shall be four thousand three hundred forty-six dollars and eighty-one cents (\$4,346.81) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, this Ordinance shall contain a provision that allows the terms and conditions of this Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 8. That, Ordinance No. 015-19 is repealed in its entirety effective December 16, 2019.

Section 9. 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 10. 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 11. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 100-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

**ORDINANCE NO. 101-19**

**AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE CITY OF NAPOLEON, OHIO FINANCE DIRECTOR; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council desires to authorize a pay increase to the City Finance Director; and,

**WHEREAS**, Council desires to make said changes effective with the pay period commencing on or about December 16, 2019; and,

**WHEREAS**, to achieve the above stated goals Council now desires to repeal Ordinance No. 046-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2020, that commenced on or about December 16, 2019, the biweekly salary of the City Finance Director of this City shall be three thousand five hundred forty-eight dollars and eight cents (\$3,548.08) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, this Ordinance allows the terms and conditions of this pay increase to be retroactively applied, the same being hereby approved as it so exists.

Section 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 8. That, Ordinance No. 046-19 is repealed in its entirety effective December 16, 2019.

Section 9. 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 10. 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 11. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 101-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

**RESOLUTION NO. 102-19**

**A RESOLUTION AUTHORIZING A CONTRIBUTION TO THE  
COMMUNITY IMPROVEMENT CORPORATION OF HENRY  
COUNTY, OHIO, IN AND FOR THE YEAR 2020; AND  
DECLARING AN EMERGENCY**

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

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

**WHEREAS**, this Council desires to further advance the Plan and has determined to financially assist the CIC with operational and the other expenses in the year 2020;  
**Now Therefore,**

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

Section 1. That, in an effort to further advance the "Plan" referenced in the preamble of this Resolution, the City Finance Director is directed and authorized to pay to The Community Improvement Corporation of Henry County, Ohio ("CIC") the amount of thirty-seven thousand four hundred and 00/100 Dollars (\$37,400.00) in and for the year 2020 to the CIC for operational expenses and costs for the advancement of economic development projects for both present companies and future companies. The amounts contributed herein are deemed by this Council to be a proper public expenditure of public funds.

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

Section 3. That, all payments stated in this Resolution are subject to appropriation of funds by Council. In the event appropriation of funds by Council is satisfied, payment shall be made by the Finance Director in quarterly installments to the CIC, all in and for the year 2020.

Section 4. That, Resolution Number 081-18 is repealed upon the effective date of this Resolution.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open

meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for economic projects to timely move forward; projects that will create jobs; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

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

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

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

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 102-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

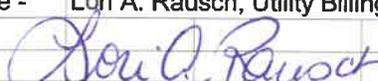
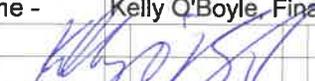
**CITY OF NAPOLEON, OHIO - PSCAF**

**POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF**

COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017

AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (*=Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrt'd. 3 MONTH AVG.FACTOR + Line Loss
				kWh	Cost				
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
		Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075
Nov'17	Jan'18	12,424,075	\$ 1,088,533.30	38,082,957	\$ 3,194,328.99	\$ 0.08388	\$ (0.07194)	\$ 0.01194	\$ 0.01284
Dec'17	Feb'18	13,391,143	\$ 1,149,912.68	38,558,994	\$ 3,302,867.39	\$ 0.08566	\$ (0.07194)	\$ 0.01372	\$ 0.01475
Jan'18	Mar'18	13,957,533	\$ 1,336,329.96	39,772,751	\$ 3,574,775.94	\$ 0.08988	\$ (0.07194)	\$ 0.01794	\$ 0.01929
Feb'18	Apr'18	12,213,852	*\$ 914,897.80	39,562,528	\$ 3,401,140.44	\$ 0.08597	\$ (0.07194)	\$ 0.01403	\$ 0.01508
Mar'18	May'18	12,894,285	*\$ 1,115,898.14	39,065,670	\$ 3,367,125.90	\$ 0.08619	\$ (0.07194)	\$ 0.01425	\$ 0.01532
Apr'18	June'18	11,995,837	\$ 1,154,645.74	37,103,974	\$ 3,185,441.68	\$ 0.08585	\$ (0.07194)	\$ 0.01391	\$ 0.01495
May'18	July'18	12,812,421	\$ 1,184,249.00	37,702,543	\$ 3,454,792.88	\$ 0.09163	\$ (0.07194)	\$ 0.01969	\$ 0.02117
June'18	Aug'18	13,813,277	\$ 1,230,516.92	38,621,535	\$ 3,569,411.66	\$ 0.09242	\$ (0.07194)	\$ 0.02048	\$ 0.02202
July'18	Sep'18	15,234,049	\$ 1,312,135.13	41,859,747	\$ 3,726,901.05	\$ 0.08903	\$ (0.07194)	\$ 0.01709	\$ 0.01837
Aug'18	Oct'18	15,634,242	\$ 1,275,023.19	44,681,568	\$ 3,817,675.24	\$ 0.08544	\$ (0.07194)	\$ 0.01350	\$ 0.01451
Sep'18	Nov'18	13,195,770	\$ 1,197,316.71	44,064,061	\$ 3,784,475.03	\$ 0.08589	\$ (0.07194)	\$ 0.01395	\$ 0.01500
Oct'18	Dec'18	12,827,093	\$ 1,201,860.98	41,657,105	\$ 3,674,200.88	\$ 0.08820	\$ (0.07194)	\$ 0.01626	\$ 0.01748
Nov'18	Jan'19	12,694,035	\$ 1,177,330.24	38,716,898	\$ 3,576,507.93	\$ 0.09238	\$ (0.07194)	\$ 0.02044	\$ 0.02197
Dec'18	Feb'19	12,936,598	\$ 1,175,315.11	38,457,726	\$ 3,554,506.33	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
Jan'19	Mar'19	13,516,644	\$ 1,157,412.90	39,147,277	\$ 3,510,058.25	\$ 0.08966	\$ (0.07194)	\$ 0.01772	\$ 0.01905
Feb'19	Apr'19	12,112,198	\$ 1,076,627.71	38,565,440	\$ 3,409,355.72	\$ 0.08840	\$ (0.07194)	\$ 0.01646	\$ 0.01769
Mar'19	May'19	12,476,648	\$ 1,111,471.41	38,105,490	\$ 3,345,512.02	\$ 0.08780	\$ (0.07194)	\$ 0.01586	\$ 0.01705
Apr'19	June'19	10,913,916	\$ 1,043,515.66	35,502,762	\$ 3,231,614.78	\$ 0.09102	\$ (0.07194)	\$ 0.01908	\$ 0.02051
May'19	July'19	11,554,553	\$ 1,074,988.04	34,945,117	\$ 3,229,975.11	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
June'19	Aug'19	12,448,976	\$ 1,059,406.09	34,917,445	\$ 3,177,909.79	\$ 0.09101	\$ (0.07194)	\$ 0.01907	\$ 0.02050
July'19	Sep'19	15,467,755	\$ 1,165,669.13	39,471,284	\$ 3,300,063.26	\$ 0.08361	\$ (0.07194)	\$ 0.01167	\$ 0.01255
Aug'19	Oct'19	14,297,705	\$ 1,123,690.94	42,214,436	\$ 3,348,766.16	\$ 0.07933	\$ (0.07194)	\$ 0.00739	\$ 0.00794
Sep'19	Nov'19	12,810,364	\$ 1,102,711.16	42,575,824	\$ 3,392,071.23	\$ 0.07967	\$ (0.07194)	\$ 0.00773	\$ 0.00831
Oct'19	Dec'19	12,026,480	\$ 1,080,410.22	39,134,549	\$ 3,306,812.32	\$ 0.08450	\$ (0.07194)	\$ 0.01256	\$ 0.01350
Nov'19	Jan'20	12,466,183	\$ 1,088,822.82	37,303,027	\$ 3,271,944.20	\$ 0.08771	\$ (0.07194)	\$ 0.01577	\$ 0.01695 >Up

\* Total Includes Other (-) Credits / (+) Debits in Purchased Power Costs, Not Listed on AMP Billings:

<b>PSCAF - Preparers Signature:</b>	<b>PSCAF - Reviewers Signature:</b>
Name - Lori A. Rausch, Utility Billing Administrator	Name - Kelly O'Boyle, Finance Director
 12/19/2019	 12/19/2019

**BILLING SUMMARY AND CONS**

2020 - JANUARY BILLING WITH NOVEMBER 20

**PREVIOUS MONTH'S POWER BILLS - PU**

DATA PERIOD										
AMP-Ohio Bill Month										
City-System Data Month										
City-Monthly Billing Cycle										
	=====		====WIND=====	===SOLAR===	====TRANSMISSION, SERVICE FEES & MISC. CONTRACTS====					
<b>PURCHASED POWER-RESOURCES -&gt;</b>	<b>NYPA</b>	<b>JV-5</b>	<b>JV-6</b>	<b>AMP SOLAR</b>	<b>EFFNCY.SMART</b>	<b>TRANSMISSION</b>	<b>SERVICE FEES</b>	<b>MISCELLANEOUS</b>	<b>TOTAL -</b>	
	<b>HYDRO</b>	<b>HYDRO</b>	<b>WIND</b>	<b>PHASE 1</b>	<b>POWER PLANT</b>	<b>CHARGES</b>	<b>DISPATCH, A &amp; B</b>	<b>CHARGES &amp;</b>	<b>ALL</b>	
	<b>SCHED. @ NYIS</b>	<b>7x24 @ ATSI</b>	<b>SCHED. @ ATSI</b>	<b>SCHED. @ ATSI</b>	<b>2017 - 2020</b>	<b>Other Charges</b>	<b>Other Charges</b>	<b>LEVELIZATION</b>	<b>RESOURCES</b>	
Delivered kWh (On Peak) ->	681,777	2,223,360	34,954	68,019	0	0	0	0	12,814,283	
Delivered kWh (Off Peak) ->									84,019	
Delivered kWh (Replacement/Losses/Offset) ->		32,503							32,503	
Delivered kWh/Sale (Credits) ->									-464,622	
<b>Net Total Delivered kWh as Billed -&gt;</b>	<b>681,777</b>	<b>2,255,863</b>	<b>34,954</b>	<b>68,019</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,466,183</b>	
Percent % of Total Power Purchased->	5.4690%	18.0959%	0.2804%	0.5456%	0.0000%	0.0000%	0.0000%	0.0000%	100.0002%	
								Verification Total ->	100.0000%	
<b>COST OF PURCHASED POWER:</b>										
<b>DEMAND CHARGES (+Debits)</b>										
Demand Charges	\$6,262.98	\$31,085.29	\$682.37			\$148,012.82			\$510,075.46	
Debt Services (Principal & Interest)		\$55,367.84							\$210,929.74	
<b>DEMAND CHARGES (-Credits)</b>										
Transmission Charges (Demand-Credits)		-\$15,001.43	-\$136.05	-\$2,890.30					-\$62,381.53	
Capacity Credit	-\$2,851.75	-\$9,237.08	-\$234.83	-\$1,689.27					-\$83,383.37	
<b>Sub-Total Demand Charges</b>	<b>\$3,411.23</b>	<b>\$62,214.62</b>	<b>\$311.49</b>	<b>-\$4,579.57</b>	<b>\$0.00</b>	<b>\$148,012.82</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$575,240.30</b>	
<b>ENERGY CHARGES (+Debits):</b>										
Energy Charges - (On Peak)	\$7,992.23	\$40,915.47		\$2,605.14		\$3,775.92			\$378,665.36	
Energy Charges - (Replacement/Off Peak)									\$3,750.61	
Net Congestion, Losses, FTR	\$3,142.04								\$20,350.35	
Transmission Charges (Energy-Debits)									\$16,050.91	
ESPP Charges					\$16,959.16				\$16,959.16	
Bill Adjustments (General & Rate Levelization)									\$2.95	
<b>ENERGY CHARGES (-Credits or Adjustments):</b>										
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$10,621.68	
Net Congestion, Losses, FTR									\$4,128.55	
Bill Adjustments (General & Rate Levelization)	-\$704.85								-\$35,882.69	
<b>Sub-Total Energy Charges</b>	<b>\$10,429.42</b>	<b>\$40,915.47</b>	<b>\$0.00</b>	<b>\$2,605.14</b>	<b>\$16,959.16</b>	<b>\$3,775.92</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$393,403.52</b>	
<b>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</b>										
RPM / PJM Charges Capacity - (+Debit)						\$110,068.46			\$110,068.46	
RPM / PJM Charges Capacity - (-Credit)									\$0.00	
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$0.00		\$0.00	
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,867.34		\$2,867.34	
Service Fees AMP-Part B - (+Debit/-Credit)							\$7,243.20		\$7,243.20	
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00	
<b>Sub-Total Service Fees &amp; Other Charges</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$110,068.46</b>	<b>\$10,110.54</b>	<b>\$0.00</b>	<b>\$120,179.00</b>	
<b>TOTAL NET COST OF PURCHASED POWER</b>	<b>\$13,840.65</b>	<b>\$103,130.09</b>	<b>\$311.49</b>	<b>-\$1,974.43</b>	<b>\$16,959.16</b>	<b>\$261,857.20</b>	<b>\$10,110.54</b>	<b>\$0.00</b>	<b>\$1,088,822.82</b>	
Percent % of Total Power Cost->	1.2712%	9.4717%	0.0286%	-0.1813%	1.5576%	24.0496%	0.9286%	0.0000%	100.000%	
<b>Purchased Power Resources - Cost per kWh-&gt;</b>	<b>\$0.020301</b>	<b>\$0.045716</b>	<b>\$0.008911</b>	<b>-\$0.029028</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.087342</b>	
								Verification Total ->	\$1,088,822.82	
									\$0.062811	
									\$0.062811	

(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV2 Electric Service Rate ->  
 (Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV5 Electric Service Rate ->



# City of Napoleon, Ohio

## Parks and Recreation Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 592-8955

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

## Memorandum

**To:** Joel Mazur, City Manager  
**From:** Tony Cotter, Parks and Recreation Director  
**Date:** January 17, 2020  
**Subject:** New Aquatic Center Floor Plan – Concessions Area

As we continue our efforts to develop the plans and specifications for the Napoleon Aquatic Center project, the Pool Commission approved and recommended the proposed bathhouse-clubhouse floor plan at its December 18, 2019 meeting. The floor plan of the bathhouse side shows the layout of the restroom areas, concession area, office and reception areas, and storage rooms. The golf course clubhouse portion of the building includes counter space for customer sales, restrooms, seating areas (inside and outside), kitchen/concession storage areas, and storage space.

City Council approved the floor plan at its last meeting but a question was raised with regard to where the concession area was positioned in the building and how it will serve patrons. The concession area was discussed at length as we planned the layout of the building. The Commission wanted to be sure that we were able to serve both pool patrons and visitors from the surrounding park area. Different options were presented to try to maximize both our ability to serve as many visitors as we could and potentially share equipment and supplies with the clubhouse side. This concept was given a great deal of thought but it became apparent, based on the overall layout of the entire building, that concession areas for both the bathhouse and clubhouse side would have to be separate.

The Commission agreed that placing the concession area of the swimming pool in the northeast corner of the building (as opposed to the southeast corner) will achieve the following objectives:

1. The concession area could have two (2) serving windows. One window would face the east and serve the pool patrons in the fenced in area of the facility. The second window would face the north and serve park patrons outside of the facility. Visitors from the ball diamond area, golf course, basketball court and small playground would have access.
2. Placing the concessions window away from the main flow of the swimming pool area would alleviate congestion and separate swimmers/spectators from those visiting the concession area
3. Providing deck space on the east side will offer “built in” shade from the building and give us the ability to place tables for seating and additional shade structures.

To address any concerns with regard to park visitors that may be coming from Kidz Kingdom or areas of Glenwood Park to the south of the pool area, we can place signage on the fence that would direct them to the outside concession window.

Let me know if you have any questions or would like additional information.

JT's Building & Maintenance & Construction  
JT's Table & Chair Rental  
PO Box 424  
Napoleon, OH 43545

Henry County Chamber of Commerce  
611 N Perry St  
Napoleon, OH 43545

Dear Business Owner,

My name is Jerry Tonjes and together in partnership with the Henry County Chamber of Commerce, I am looking to raise money to help pay for a mural painting. The west side of my building located at 114 W Clinton Street would set as the backdrop. Dave Rickerd, a well-known artist would be commissioned to paint a scene of downtown Napoleon from the 1900's. Dave Rickerd, originally from Deshler, works out of a Cincinnati office and can be contacted at 513-490-2239 or [rickerd-ART.com](http://rickerd-ART.com).

Public art on the side of commercial buildings is gaining popularity. Contributing to the arts allows for a sense of place in growing communities. Murals have proven to engage the local community and dress up what might be an otherwise boring wall. This opportunity would provide a focal point that speaks to what makes our community unique.

I'm writing to you to ask you to support me and my project. In addition to grant money I will rely on the generosity of businesses like you. Would you be willing to contribute to help me reach the goal of \$10,000?

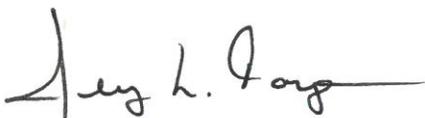
If you would like to speak further about my project, feel free to reach out to me at 419-592-6085 or [jtconst@earthlink.net](mailto:jtconst@earthlink.net). I'd love to answer any questions you have and give you more information.

Thank you in advance for your contribution. You have no idea how much it means to me to have your support.

If you would like, you can send a donation to the Chamber of Commerce office, made payable to Henry County Chamber 114 Mural Fund. The Henry County Bank is also accepting direct deposits, made payable to account Henry County Chamber 114 Mural Fund.

Thank you again!

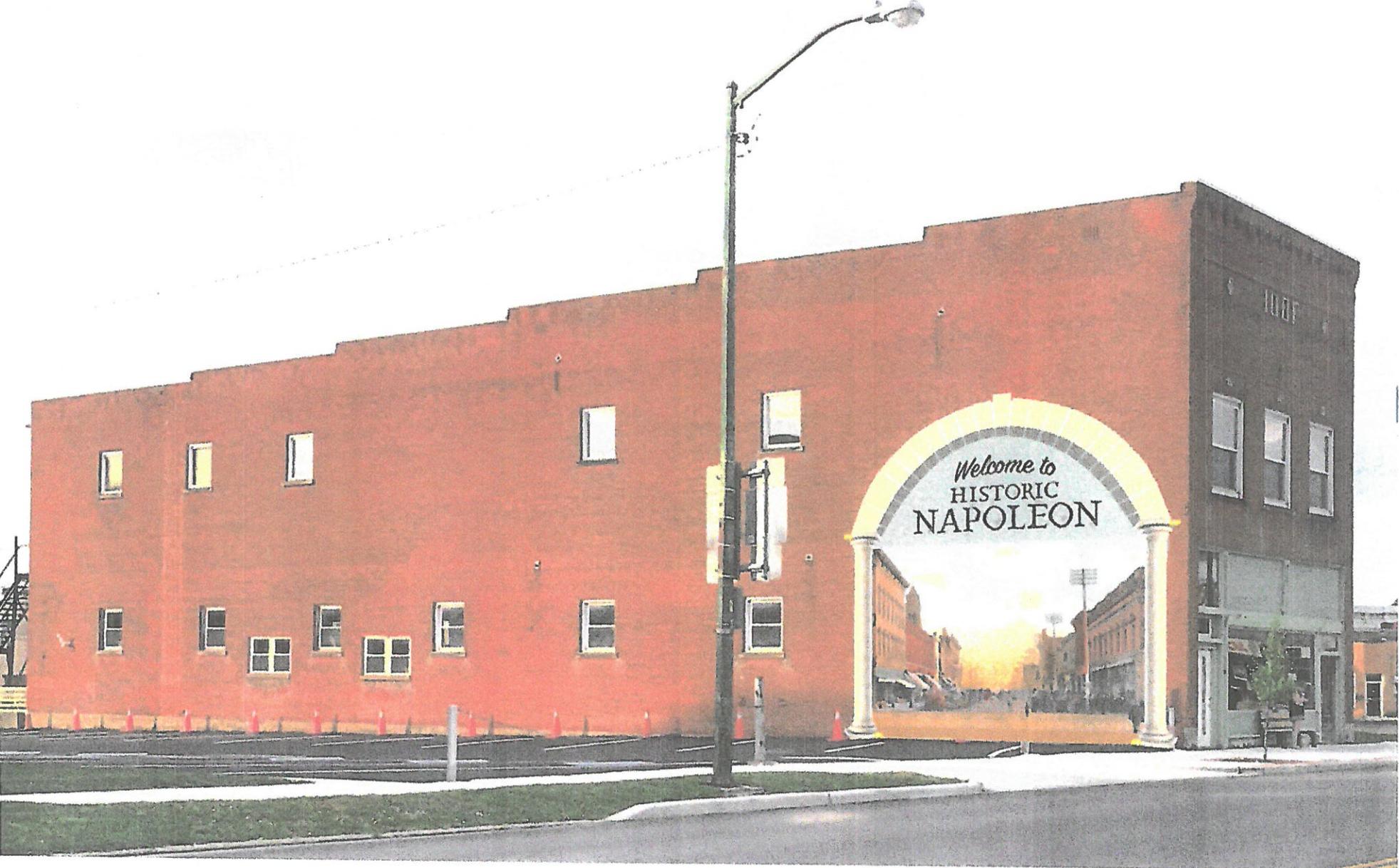
Sincerely,

  
Jerry Tonjes  
Business Owner

  
Joel Miller  
Executive Director

**DONATIONS TO DATE:**

<b>COMPANY</b>	<b>AMOUNT</b>
Ohio Arts Council	\$5,000.00
JT's Building, Maintenance & Construction	\$500.00
Kristi's Kanine Kuts	\$500.00
Henry County Chamber	\$1,000.00
<b>TOTAL:</b>	<b>\$7,000.00</b>
<b>GOAL:</b>	<b>\$10,000.00</b>
<b>NEEDED TO REACH GOAL:</b>	<b>\$3,000.00</b>



*Welcome to*  
HISTORIC  
NAPOLEON



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Billy Harmon, City Law Director  
Kelly O'Boyle, City Finance Director  
Roxanne Dietrich, City Clerk of Council  
**Date:** January 16, 2020  
**Subject:** GIS Implementation Project ~ Sole Sourcing

As part of the 2020 Budget, the City has allocated \$70,000.00 to move toward full implementation of our GIS. The Engineering Department has been working with Stantec Consulting Services, Inc. since 2013 to implement the system. As part of that implementation, a detailed report outlining how to proceed was prepared. The budgeted funds will cover the estimated costs for the final phases of that program as well as continued development and support for the system.

Stantec currently handles all of our GIS management. Because of Stantec's intimate knowledge of our infrastructure, their familiarity with our staff, their preparation of our plan, their experience managing our current system, and their implementation of all previous phases of our plan, I am proposing to sole source this project to Stantec Consulting Services, Inc.

If approved for sole sourcing, I will negotiate a contract with Stantec. Once a contract is prepared, it will be brought back to Council for approval.



HENRY COUNTY  
COMMUNITY IMPROVEMENT CORPORATION

January 17, 2020

City of Napoleon  
Council President Joe Bialorucki  
255 W. Riverview Ave.  
PO Box 151  
Napoleon, OH 43545

**Re: 2020 Tax Incentive Review Council (TIRC)**

As Henry County Auditor Kevin Garringer's designee for chairing the 2020 Henry County TIRC, The CIC passes on this information to you and respectfully asks for your political subdivision to (a) make the appointments outlined below and (b) inform our office of those appointments.

Ohio law provides that each Enterprise Zone (EZ) Agreement and Community Reinvestment Area (CRA) Agreement must be reviewed annually by a "council" (TIRC) to evaluate whether the business that is a party to that agreement has acted in good faith in following the commitments made under the agreement.

The TIRC reviews each agreement individually, by business, over the course of one (1) day. **The meeting will take place on Thursday, March 19, 2020, beginning at 9:00 a.m.** I respectfully ask that your representative(s) be present when agreement(s) in your geographic area of the county are discussed. Your representative(s) will not need to be present (although they are certainly welcome to be present) when agreements in other geographic areas of the county are discussed. **Please make sure that your appointed representatives will be able to attend on March 19, 2020.**

Each political subdivision has a certain number of appointments to make:

- Henry County: Three (3) Representatives
- Each Municipality with an Agreement: Two (2) Representatives
- Each Township with an Agreement: Two (2) Representatives
- Each School District: One (1) Representative
- Four County Career Center: One (1) Representative

*Jeff Comadoll and Jeff Mires were on the TIRC in 2019.*

Please appoint your representatives and inform our office of those appointments **on or before February 21, 2020** by filling out the attached form and returning it to our office with a resolution or minutes from your meeting stating the representatives.

If you have any questions or concerns related to this memorandum, please contact the office at (419) 592-4637 at your convenience. Thank you.

  
Jennifer Arps  
Economic Development Coordinator



Attention: Clerk of Councils, Clerk Treasurers & Fiscal Officers  
City of Napoleon  
PO Box 151  
Napoleon, Ohio 43545

**Date:** January 2020  
**Subject:** Newly Elected Council Training Seminar

OML is once again asking for your assistance. As in the past during even numbered years the OML conducts seminars for newly elected council members after the municipal election year. These seminars are held regionally, on Saturdays for convenience and have the same program for each location. We would be so grateful if you could circulate the information on these programs to the newly elected council members in your municipality. If “veteran” members of council or municipal officials wish to attend, we also welcome them. We have enclosed a registration form with dates, locations and a program outline in this mailing you may also register online at our website [www.omlohio.org](http://www.omlohio.org). (About Us/ Training Programs)

In order to create a more efficient way of distributing materials, you will receive all available materials 7 days in advance of the seminar you are registered for via email. Once registered, the email will also serve as your registration confirmation. Please feel free to print out these materials in advance and bring them with you to the seminar and/or download to your personal electronic devices such as an iPad or tablet. Some presenters may bring handouts with them that were not made available for distribution prior to the seminar. Please be aware that emails are sent through the same software as the OML Legislative Bulletin, anyone who has “unsubscribed” from the distribution list must re-subscribe or use a different email address. If you have any questions, please feel free to contact the OML office at 614-221-4349.

**Registration Begins at 8:30 am at all 3 location**

- Saturday, February 29** Cincinnati Marriott Northeast, 9664 Mason Montgomery Road, Mason, 45040 (513) 459-9800
- Saturday, March 21** Doubletree Columbus/Worthington 175 Hutchinson Ave, Columbus, OH 43235 (614) 885-3334
- Saturday, April 4** Embassy Suites Rockside, 5800 Rockside Woods Blvd, Independence, 44131 (216) 986-9900

**Registration and Payment Deadlines:** *February 19* for the **February 29** Seminar; *March 11* for the **March 21** Seminar; *March 25* for the **April 4** Seminar. All paid registrations will begin receiving the confirmation email with materials 7 days prior to the seminar selected. If you have any questions about the registration process please feel free to contact the OML office.

**No Show & Refund Policy:** *Email [info@omlohio.org](mailto:info@omlohio.org) for cancellations. No refunds will be made unless cancellation is received in writing 7 days prior to the seminar date. No Refund for “No Shows” “No Shows” that have not paid and do not cancel will be invoiced.*



## NEWLY ELECTED COUNCIL TRAINING PROGRAM

*Saturday, February 29, 2020*

*Saturday, March 21, 2020*

*Saturday, April 4, 2020*

*Marriott NE, Mason*

*Doubletree Columbus/Worthington*

*Embassy Suites, Independence*

- 8:45 a.m.            **Registration**
- 9:00 a.m.            Home Rule and Local Control
- 9:45 a.m.            City & Village Financing Procedures
- 10:30 a.m.           Open Meetings/Public Records
- 11:15 a.m.           Service Corps Presentations
- 12:15 noon           **Lunch**

*(After lunch the sessions will be divided into City and Village sessions.)*

### **City Session**

- 1:00 – 2:00 p.m.    Council Powers and Procedures
- 2:00 – 3:00 p.m.    Bidding, Purchasing, and Contracting
- 3:00 - 4:00 p.m.    Liability of Municipalities and Municipal Officials

### **Village Session**

- 1:00 – 2:00 p.m.    Council Powers and Procedures
- 2:00 – 3:00 p.m.    Bidding, Purchasing, and Contracting
- 3:00 – 4:00 p.m.    Economic Development



## 2020 Newly Elected Council Training Series Registration Form

Registration Begins: 8:30 a.m.

*\*Same Program for Each Location\**

Municipality: \_\_\_\_\_

<u>Name</u>	<u>Title</u>	<u>Email (*Required to Register)</u>

Please Choose One

Saturday, February 29, 2020 <input type="checkbox"/> Marriott Northeast Mason, Ohio		Saturday, March 21, 2020 <input type="checkbox"/> Doubletree Columbus/Worthington		Saturday, April 4, 2020 <input type="checkbox"/> Embassy Suites Independence, Ohio	
OML Members	Non- Members	OML Members	Non- Members	OML Members	Non- Members
<input type="checkbox"/> \$75 (Fee includes written materials and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$125 (Fee includes written material and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$75 (Fee includes written materials and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$125 (Fee includes written material and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$75 (Fee includes written materials and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$125 (Fee includes written material and lunch) <i>9:00 a.m. - 4:00 p.m.</i>

*If you are unsure if your municipality is an OML Member, feel free to contact Zoë at the OML offices.*

No. of attendees \_\_\_\_\_ X (Fee) \$ \_\_\_\_\_ = Total Enclosed \$ \_\_\_\_\_

**No Show & Refund Policy:** Email [info@omlOhio.org](mailto:info@omlOhio.org) for cancellations. No refunds will be made unless cancellation is received in writing 7 days prior to the training date. No Refund for "No Shows" "No Shows" that have not paid and do not cancel will be invoiced. Mail check with Registration Form or Register & Pay online.

**Please Make Check Payable & Return To:**  
Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, Ohio 43215; Phone 614-221-4349

# Financial Disclosure

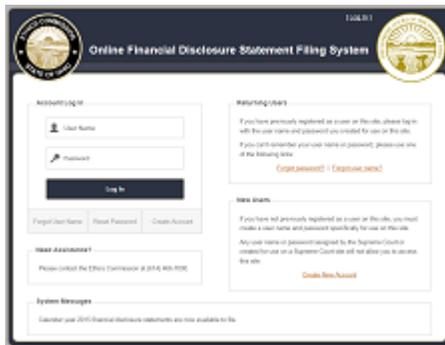
The Ohio Ethics law requires certain elected officials, candidates for elected offices, public employees, and appointees to public positions to annually file a financial disclosure statement with the Ohio Ethics Commission. A financial disclosure statement requires a filer to disclose information regarding their personal financial interests and fiduciary relationships for the preceding calendar year.

Filing a financial disclosure statement is part of the responsibility of choosing to hold or run for public office or employment. The purpose of filing a financial disclosure statement is to increase confidence in government and openness by: (1) Assisting public servants in identifying potential conflicts of interest; and (2) Allowing citizens to become aware of the financial interests of the officials and employees who serve them.

The General Assembly has included financial disclosure as a key component of the Ethics Law since it was enacted in 1974.

## File a Financial Disclosure Statement

- 1 Online
- 2 In Person
- 3 Mail



(<https://disclosure.ethics.ohio.gov>)

**File online today at:**  
[disclosure.ethics.ohio.gov](https://disclosure.ethics.ohio.gov)  
(<https://disclosure.ethics.ohio.gov>)



### Electronic Filing: The Preferred Method

Used by over 90% of filers last year, filing electronically reduces errors, greatly simplifies future filings, and provides all of the following **exclusive** benefits:

- Assurance that you have completed all and only the necessary portions.
- Immediate acknowledgement that your statement has been filed.
- Print, view, or save a time-stamped copy of your completed statement.

- In subsequent years, your financial disclosure statement can be pre-populated with information contained in the previous year's statement so that you will need only to update your statement before filing.
- Payment of filing fees can be made via credit card or electronic check (ACH).
- 24/7 availability (Statements filed by 11:59 PM are time-stamped the same day).



Deadlines (collapseOne) ➤



Filing & Late Fees (collapseTwo) ▼

## Filing Fees:

Disclosure statements must be accompanied by a filing fee based on the position for which the person is filing.

State elected office holder or candidate	\$ 95.00
State Board of Education member or candidate	\$ 35.00
County elected office holder or candidate	\$ 60.00
City elected office holder or candidate	\$ 35.00
School district board of education member or candidate	\$ 30.00
ESC governing board member or candidate	\$ 30.00
School district or ESC superintendent, treasurer, or business manager	\$ 30.00
All other filers	\$ 60.00

Most filers are responsible for paying their own filing fees. However, the law requires that state agencies must pay the filing fees for the employees who serve the agencies.

## Late Fees:

In addition to filing fees, statements which are filed after the appropriate deadline will be assessed an additional late filing fee of **\$10.00 per day**, for each day the statement is late, up to a maximum of \$250.00.

## Methods of Payment

Filing and/or late fees can be paid by check or money order made payable to the **Ohio Ethics Commission**.

Electronic Filing Only: If an individual opts to file electronically, filing and late fees can be paid via a credit card or electronic check (ACH) at the time of filing through the Commission's online financial disclosure statement filing system (<https://disclosure.ethics.ohio.gov>). The Commission can NOT accept credit card or ACH payments in person or over the phone. The following methods of payment are currently accepted:



FINANCIAL DISCLOSURE STATEMENT

This statement is to be filed in 2020

Financial information for calendar year 2019

Please type or print clearly. See instructions for assistance with this page. Electronic filing available at: disclosure.ethics.ohio.gov

SECTION A. PERSONAL CONTACT INFORMATION

Form with fields for Last Name, First Name, MI, Address, City, State, Zip, County, E-mail Address, and Phone.

SECTION B. STATUS (Check all that apply)

- Checkboxes for Candidate, Write-in Candidate, Elected office holder, Appointed (in 2020) to an unexpired term in elective office, Public Official, Public Employee, and Voluntary Filer / Other.

CANDIDATES: Please list the date of the first election (primary, special, or general) when your name will appear on the ballot.

Table with columns for Month, Day, and Year for election dates.

FOR OFFICIAL USE ONLY

Empty box for official use only.

SECTION C. PUBLIC POSITION, OFFICE, OR JOB

Form with fields for Position/Title, Public Entity, Public Salary, Start Date, and End Date. Includes checkboxes for Seeking, Hold, and Held.

SECTION D. ADDITIONAL PUBLIC POSITION, OFFICE, OR JOB

Form with fields for Position/Title, Public Entity, Public Salary, Start Date, and End Date. Includes checkboxes for Seeking, Hold, and Held.

FOR OHIO ETHICS COMMISSION USE ONLY

Form with checkboxes for Walk-in, Inter Office, No Check, Filer has answered every required question, and Filer has not answered these questions. Includes fields for Date incomplete form returned to filer and Date completed form returned to OEC.

**1. SOURCES OF INCOME - ALL FILERS MUST ANSWER THIS QUESTION:**(For help, see instructions [page 4](#)) I have no sources of income that I am required to list.

Source of Income	Service Provided	Amount* (if required)
A		
B		
C		
D		
E		

\* Check [instructions](#) to see whether you are required to disclose amounts of income.

**2. SOURCES OF GIFTS - ALL FILERS MUST ANSWER THIS QUESTION:**(For help, see instructions [page 5](#)) I have no sources of gifts that I am required to list.

Source of Gift	Source of Gift
A	D
B	E
C	F

**3. NAMES OF SPOUSE RESIDING IN HOUSEHOLD AND ANY DEPENDENT CHILDREN - ALL FILERS MUST ANSWER THIS QUESTION:** There are no immediate family members whose names I am required to list.(For help, see instructions [page 5](#))

Spouse Residing in Household	Dependent Children

**4. NAMES OF BUSINESSES - ALL FILERS MUST ANSWER THIS QUESTION:**(For help, see instructions [page 5](#))

If you or anyone you listed in Question 3 owns or operates a business, list the name of the business.

 There are no business names that I am required to list.

Business Name	Business Name
A	C
B	D

**5. LAND (REAL ESTATE) IN OHIO - ALL FILERS MUST ANSWER THIS QUESTION:**(For help, see instructions [page 6](#)) I have no real estate that I am required to list.

Land (Real Estate) in Ohio (List address or, if address is unavailable, plat number and county)
A
B
C

You are not required to disclose your personal residence or real property held primarily for personal recreation.

**6. CREDITORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:**

(For help, see instructions [page 6](#))

I have no creditors that I am required to list.

Creditor	Creditor
A	D
B	E
C	F

**7. DEBTORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:**

(For help, see instructions [page 6](#))

I have no debtors that I am required to list.

Debtor	Debtor
A	C
B	D

**8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:**

(For help, see instructions [page 6](#) and [7](#))

I have no investments that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Nature of Investment
A	
B	
C	
D	
E	
F	
<b>IF YOU NEED ADDITIONAL SPACE, PLEASE ATTACH A SEPARATE SHEET.</b>	

**9. OFFICES/FIDUCIARY RELATIONSHIPS - ALL FILERS MUST ANSWER THIS QUESTION:**

(For help, see instructions [page 8](#))

I have no offices or fiduciary relationships that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Office or Nature of Relationship
A	
B	

**SKIP QUESTIONS 10 AND 11 IF YOU ARE ONLY REQUIRED TO FILE AS A:**

- College or university trustee
- Candidate for a city, township, school district, or ESC position that is paid less than \$16,000 a year
- City, township, school district, ESC, or sanitary district official or employee serving in a position that is paid less than \$16,000 a year

**10. FOOD OR BEVERAGES - ALL FILERS EXCEPT THOSE LISTED IN THE BOX ABOVE MUST ANSWER THIS QUESTION:**

I have no sources of meals, food, or beverages that I am required to list.

(For help, see instructions [page 8](#))

Source of Food or Beverages	Source of Food or Beverages
A	C
B	D

**11. TRAVEL EXPENSES - ALL FILERS EXCEPT THOSE LISTED IN THE BOX ON PAGE 3 MUST ANSWER THIS QUESTION:**

I have no sources of travel expenses that I am required to list. (For help, see instructions [page 9](#))

Source of Travel Expenses	Amount
A	
B	
C	
D	
E	
F	

**12. NON-DISPUTED INFORMATION - ALL state employees, state officials and state board and commission members (except college and university trustees) are REQUIRED to answer Question 12.** All other filers should skip this question and go to question 13.

I have no information that I am required to list. (For help, see instructions [page 9](#))

Non-Disputed Information
A
B

**13. SIGNATURE - ALL FILERS MUST SIGN THE STATEMENT:**

(For help, see instructions [page 10](#))

By signing this statement:

- I swear or affirm that this statement and any additional attachments have been prepared or carefully reviewed by me, and constitute my complete, truthful, and correct disclosure of all required information, and that the address listed on page 1 is a correct mailing address.
- I acknowledge and understand that, among other potential violations and penalties, knowingly filing a false statement is a criminal misdemeanor of the first degree, in violation of Sections 102.02(D) and 2921.13(A)(7) of the Revised Code, punishable by a fine of not more than \$1,000, imprisonment of not more than six months, or both.
- I acknowledge and understand that filing a false statement may be grounds for removal from public office or dismissal from public employment pursuant to Sections 3.04 and 124.34 of the Revised Code.
- I acknowledge that, in 2019, I served in, or in 2020, I am serving in or a candidate for, the position(s) indicated on page 1 of this statement.

***If you have any questions before signing this form, please contact the Ohio Ethics Commission at (614) 466-7090.***

Before signing this statement, please review to make sure that you have answered each question you are required to answer. If you have nothing to list in response to any question, check the box indicating that you have nothing to list. If the response to any required question is omitted, the Commission will return the statement to you as incomplete. **Any person who fails to file a complete statement by the appropriate filing deadline will be assessed a late filing fee and may be subject to criminal penalty.**

**Deliver completed statement to:** Ohio Ethics Commission, 30 W. Spring St., L3, Columbus, OH 43215

**My filing fee is:**

(For help, see instructions [page 2](#))

- Enclosed (check or money order payable to "Ohio Ethics Commission")
- Submitted Online
- My public agency is required or has agreed to pay my filing fee.

**YOUR SIGNATURE IS REQUIRED HERE:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## OHIO ETHICS COMMISSION FORM NO. OEC-2019 FINANCIAL DISCLOSURE STATEMENT INSTRUCTIONS

### PURPOSE OF FINANCIAL DISCLOSURE AND REQUIREMENT FOR DISCLOSURE

Filing a financial disclosure statement is part of the responsibility of choosing to hold or run for public office or employment. The purpose of requiring public officials and employees to file financial disclosure statements is to increase confidence in government and openness by: (1) Assisting public servants in identifying potential conflicts of interest; and (2) Allowing citizens to become aware of the financial interests of the officials and employees who serve them.

Filing an annual financial disclosure statement is required by law and Commission rule. [For more information on positions required to file by Commission rule, [click here](#).] Financial information must be completed for the entire preceding calendar year. A person who leaves a filing position must file for the last calendar year in which he or she held the position. No person is required to file more than one statement for any calendar year.

Electronic filing is available at [disclosure.ethics.ohio.gov](https://disclosure.ethics.ohio.gov)

### WHO IS REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT?

#### Anyone who is elected, appointed to, or a candidate for the following elective offices:

- State elective office
- County elective office
- City elective office
- State Board of Education
- School district board of education (in districts with a total student count of 12,000 or more)
- Educational service center (ESC) governing board in an ESC with a total student count of 12,000 or more

**Candidates** for office should note that this financial disclosure statement is NOT the same as a campaign finance report that is filed with the Secretary of State's Office or county board of elections. This statement must be filed regardless of whether the candidate raised or spent money for his or her campaign.

#### Anyone who is appointed to the following non-elective public positions:

- Member, state board or commission
- Appointed member, State Board of Education
- Trustee, state college or university
- Member, state retirement system board
- Appointed member, ESC governing board in an ESC with a total student count of 12,000 or more

#### Anyone who is employed in these public positions:

- State department director, assistant director, deputy director, or division chief
- Person in an equivalent rank to the above state department employees
- Chief executive officer of a state board, commission, or retirement system
- All state retirement system investment officers
- All professional employees of the Casino Control Commission
- All technical employees of the Casino Control Commission who perform an internal audit function
- Administrator, Director of Investments, and Chief Investment Officer, Bureau of Workers' Compensation
- State employees paid under Schedule "E-2" or "C"
- President, State college or university
- Superintendent, Treasurer, or Business Manager, school district or ESC

**Other Filing Categories:** Other filers include members and employees of JobsOhio, entrepreneurs in residence assigned by the LeanOhio office, members of some sanitary districts, and directors of community based correctional facilities.

For more information, please visit [ethics.ohio.gov](https://ethics.ohio.gov) or call (614) 466-7090.

*City of Napoleon, Ohio*

## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, January 20, 2020 at 6:00 pm**

LOCATION: City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order
2. Welcome New Member/Restructure
3. Approval of Minutes: October 21, 2019 *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
4. Review Ordinance and Annual Budget.
5. Review Annual Schedule.
6. Review Tree Call Reports.
7. Finalize Spring Topsoil List.
8. Finalize Spring Removals List.
9. Finalize Spring Plantings List.
10. Award Spring Trimming Contract.
11. Any Other Matters to Come Before the Commission.
12. Adjournment.



Roxanne Dietrich

Executive Assistant to Appointing Authority/Clerk of Council

## TREE COMMISSION

Meeting Minutes

Monday, October 21, 2019 at 6:00 pm

<b>PRESENT</b>	
Commission Members	Jim Fitzenreiter-Chair, Dave Volkman, Ed Clausing, Larr Etzler, Kyle Moore
City Staff	Aron Deblin
Acting Recorder	Jim Fitzenreiter
<b>ABSENT</b>	
Council Representative	Jeff Mires
<b>Call to Order</b>	Chairman Fitzenreiter called the meeting to order at 6:00 pm.
<b>Approval of Minutes</b>	In reviewing the meeting minutes of September 16, 2019, Clausing noted on page 2 under <i>Review Next Year's Budget/Plans</i> in the second sentence \$50,000 had one too many zeros. Fitzenreiter had a clarification on page one under <i>Review Tree Call Reports</i> at 607 Sheffield that tree is a silver maple not a red maple. The minutes were corrected and approved.
<b>Review Tree Call Reports</b>	<p>Deblin reported he received calls on the following trees:</p> <p>610 Hobson wants a tree removed, the tree is not in the right-of-way, it is behind the house, I told her she had to take care of it on her own.</p> <p>309 West Clinton the tree split in half and was laying across power lines, I contacted the Electric Department, they will handle it.</p> <p>744 Strong Street - Sue Wesche lives across the street and called about the walnut tree, she wants it removed because of the debris dropping on the road.</p> <p>Jeff Comadoll called about the evergreen at Strong and Haley it is by the stop sign and obstructing the view looking to the south. Fitzenreiter said Jeff is right the view is obstructed, it's like an old cedar tree. If you trim on the street side it will look strange would have to trim all the way around and go up six to eight inches so can walk under it. Moore suggested removing the tree, you are going to have to always maintain it. Fitzenreiter agreed would be easier to remove.</p> <p>822 Strong – the Electric Department looked at and does not want to tear up the yard, will evaluate.</p> <p>Fitzenreiter stated at Ritter Park on the island there is a tree that is broken off. It is hard to get in there with posts all around. If we were to replant that tree will need a 2 to 2-1/2" diameter tree. It was suggested that could be the tree planted for next year's Arbor Day celebration. Deblin will work on getting the tree removed out while the contractor is in town.</p>
<b>Fall Contracts Update</b>	Deblin said he has not heard from North Branch when they will be starting. Last year they started the beginning of November assume they will be starting within the next couple of weeks. The tree removal contract is going on now and there have been six trees and stumps removed.





# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

## Memorandum

**To:** Mayor & City Council, City Manager, City Law Director, Interim Finance Director, Department Supervisors, Newsmedia

**From:** Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council

**Date:** January 16, 2020

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

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, January 20, 2020 at 6:00 pm has been CANCELED due to lack of agenda items.

# NAPOLEON FIRE & RESCUE ASSOCIATION

## Pancake Breakfast

**SUNDAY, FEBRUARY 9<sup>TH</sup>**

**7AM – 1PM**

Includes

**Pancakes, Sausage,  
Coffee, Juice,  
Water**



## Free Will Donation

**Pancake Breakfast Is Located At: Napoleon Fire & Rescue, 265 West Riverview Ave,  
Napoleon, Ohio 43545**

## Ohio Municipal League Legislative Bulletin

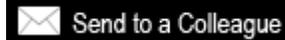
Ohio Municipal League <kscarrett@omlohio.org>

Fri 1/17/2020 12:01 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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## Legislative Bulletin

As the legislative holiday break is coming to an end, members are expected to return to the Statehouse next week as session and committee schedules resume, next week.

### OML UPDATE AT-A-GLANCE

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

- The Ohio Public Employees Retirement System (OPERS) approved a plan this week that will scale back monthly health care cost subsidies for retirees, as well as end the group plan for retirees who are not old enough to qualify for Medicare. These changes will take effect in 2022. You can read more in the article below.
- The DeWine Administration and the Ohio Department of Agriculture announced this week that \$30 million in funding will be made available to farmers in 14 counties for the implementation of strategies proven to reduce agricultural phosphorus runoff. You can learn more [HERE](#).
- The Ohio Environmental Protection Agency and the Ohio Department of Health will be rolling out a schedule for testing 1,500 public water sources for PFAS, also known as "forever chemicals." We will notify our members once this information become available.

## **OPERS APPROVES CUTS TO HEALTH CARE BENEFITS**

On Wednesday, the Ohio Public Employees Retirement System (OPERS) trustees approved to lower the base amount for monthly health care subsidies for retirees, while those who have not reached Medicare age will lose access to the OPERS-sponsored group plan.

OPERS Executive Director Karen Carraher stated that unless these changes were approved, the system's \$11 billion health care fund would run out in 11 years. Once the changes take place in January 2022, the system will be solvent for the next 18 years. These changes will also reduce the system's unfunded health care liabilities from \$6.2 billion to \$27 million.

The law deems retiree health care coverage as a discretionary benefit. OPERS says these changes will help ensure the health of the system's underlying pension fund, which currently has major unfunded liabilities and as a result has not been able to send any monies to the health care fund, which is separate. Even with these changes, OPERS does not anticipate it will be able to send contributions to the health care fund for another 15 years.

Individual retirees will see varied changes to their health care subsidies dependent upon their age when they retired and how long they'd worked for the state before their retirement. When OPERS makes more information available, we will send that information to our members.

## **OPERS REQUESTS LEGISLATURE FREEZE COST-OF-LIVING ADJUSTMENTS (COLA) FOR RETIREES**

In addition to the changes to health care subsidies for retirees, the Ohio Public Employees Retirement System (OPERS) is asking the legislature to pass a bill that would freeze cost-of-living adjustments (COLA) for all of the system's retirees for two years as well as a two-year delay of the yearly COLA increase for all new retirees.

OPERS currently has \$24 billion in unfunded liabilities. The purpose of the proposed COLA freeze is to reduce that by \$3.44 billion. The freeze cannot happen without legislative approval, but no sponsor has been found for the bill. The League will continue to update our members as this issue progresses.

## **BILLS IMPACTING MUNICIPALITIES EXPECTED TO MOVE IN 2020**

Last week, the League covered the major bills we are currently tracking that would affect municipalities if passed. The following bills are the ones the League expects will move in early 2020 as the legislature resumes its usual legislative schedule next week.

We encourage our members to track these bills along with us and to contact their legislators in support of the bills that invest in Ohio's cities and villages and promote healthier municipalities, as well as to express their opposition to the bills that would curtail local control.

There were other bills impacting municipalities introduced last year that the League expects will move, and more such bills will be introduced in the future. The list below outlines bills we believe will be receiving immediate attention and should therefore be on our member's "radar".

- SB 206 - NONRESIDENT MUNICIPAL TAX CREDIT. Sponsored by Sen. Schaffer (R - Lancaster), would require municipal income tax credit for nonresident taxpayers. This is currently pending in the Senate Ways and Means Committee. The League opposes this legislation.(Link: <https://bit.ly/2FWTTrl>)
- HB 242 - (BAG TAX) AUXILIARY CONTAINERS. Sponsored by Rep. Lang (R - West Chester Township) and Rep. Jones (R - Freeport), would authorize the use of an auxiliary container for any purpose, prohibit the imposition of a tax or fee on those containers, and apply existing anti-littering law to those containers. This was voted out of the full House before the holiday break. The League opposes this legislation.(Link: <https://bit.ly/37croSE>)
- SB 222 - (BAG TAX) AUXILIARY CONTAINERS. Sponsored by Sen. Rulli (R - Salem), is the Senate companion legislation to HB 242. This is currently pending in Senate Local Government, Public Safety and Veterans Affairs Committee. The League opposes this legislation.(Link: <https://bit.ly/38dSAk8>)
- SB 39 - MIXED USE DEVELOPMENTS. Sponsored by Sen. Schuring (R - Canton), would authorize an insurance premiums tax credit for capital contributions to transformational mixed-use development projects. This is pending in House Economic and Workforce Development Committee. The League is supportive of this legislation.(Link: <https://bit.ly/38e5Kh7>)
- SB 8 - OPPORTUNITY ZONES. Sponsored by Sen. Schuring (R - Canton), would authorize tax credits for investments in an Ohio Opportunity Zone. This is pending in the House Economic & Workforce Development Committee. The League is supportive of this legislation.(Link: <https://bit.ly/38h9yOP>)
- HB 312 - CROWDFUNDING. Sponsored by Rep. Powell (R - Arcanum), would permit intrastate equity crowdfunding under certain circumstances. This was

voted out of the full House and is now pending in the Senate Finance Committee. The League is supportive of this legislation.(Link: <https://bit.ly/30ubIYp>)

## **COMMITTEE SCHEDULE FOR THE WEEK OF JANUARY 19, 2020**

### **Tuesday, January 21, 2020**

#### **SENATE FINANCE**

Tue., Jan. 21, 2020, 2:30 PM, Senate Finance Hearing Room

Sen. Dolan: 614-466-8056

**HB312\*\*** INTRASTATE EQUITY CROWDFUNDING (POWELL J) To permit intrastate equity crowdfunding under certain circumstances.

**First Hearing, Sponsor Testimony**

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

#### **HOUSE CIVIL JUSTICE**

Tue., Jan. 21, 2020, 3:00 PM, Hearing Room 114

Rep. Hambley: 614-466-8140

**HB421\*\*** STATUTORY IMMUNITY-HOSPITAL POLICE (SMITH J, BLAIR G) To provide a municipal corporation or county immunity from civil and criminal liability in any action that arises from a hospital police officer acting directly in the discharge of the person's duties as a police officer and that occurs on the premises of the hospital or its affiliates or subsidiaries or elsewhere in the municipal corporation or county.

**First Hearing, Sponsor Testimony**

**Report(s):** Bill Track, My Tracked Bills, OML Legislative Report

### **Wednesday, January 22, 2020**

#### **HOUSE COMMERCE AND LABOR**

Wed., Jan. 22, 2020, 1:30 PM, Hearing Room 114

Rep. Manning: 614-644-5076

**HB34\*\*** STATE-LOCAL MINIMUM WAGE (KELLY B) To increase the state minimum wage and to allow municipalities, townships, and counties to establish higher minimum wage requirements.

**First Hearing, Sponsor Testimony**

**Report(s):** My Tracked Bills, OML Legislative Report, Thomas Leg Tracker

#### **SENATE GENERAL GOVERNMENT AND AGENCY REVIEW**

Wed., Jan. 22, 2020, 3:15 PM, North Hearing Room

Sen. Schuring: 614-466-0626

**HB76\*\*** BALLOT LANGUAGE UNIFORMITY (MERRIN D) To enact the "Ballot Uniformity and Transparency Act" to modify the form of election notices and ballot language for property tax levies.

**Fourth Hearing, All Testimony**