

December 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 8:00 am-Records Commission 7:00 pm – CITY COUNCIL	8 5:00 pm – Planning Commission	9	10	11	12
13	14 6:15 pm – Electric Comm 6:15 pm - BOPA 7:00 pm – Water/Sewer Comm. 7:30 pm- Municipal Properties, Bldg, Land Use/ED Comm	15	16	17	18	19
20	21 6:00 pm – Park & Rec Comm 7:00 pm – CITY COUNCIL	22 4:30 pm Civil Service	23	24 Offices Closed - <i>Floating Holiday</i>	25 Offices Closed CHRISTMAS Day	26
27	28 6:30 pm – Finance & Budget Committee 7:30 pm - Safety and Human Resources Comm	29	30 6:30 pm - Parks & Rec Board	31	January 1, 2021 NEW YEAR'S DAY Offices Closed	



City of Napoleon, Ohio

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

Memorandum

To: Mayor and Members of City Council
From: Roxanne Dietrich, Clerk of Council
cc: Joel L. Mazur-City Manager,
Billy D. Harmon-City Law Director,
Kelly O'Boyle-Finance Director
Date: December 7, 2020
Subject: General Information

CALENDAR

MONDAY, DECEMBER 7TH

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 072-20**, a Resolution Extending the Provisions contained in Ordinance No. 021-18 and Resolution No. 086-19, wherein Council Imposed a Temporary Reduction and/or Temporary Elimination of Certain Residential Building Permit Fees; and Declaring an Emergency
2. **Ordinance No. 073-20**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 7) for the Year 2020; and Declaring an Emergency (Suspension Requested)
3. **Ordinance No. 074-20**, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$2,500,000, 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
4. **Ordinance No. 075-20**, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$3,950,000 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
5. **Ordinance No. 067-20**, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2021; repealing Ordinance No. 088-19; and Declaring an Emergency

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 062-20**, a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to take Bids on Certain Projects, Services, Equipment, Materials, or Supplies without the Requirement for Additional Legislation to do so in the Year 2021; and Declaring an Emergency
2. **Resolution No. 063-20**, a Resolution Authorizing Expenditure of Funds in Excess of Twenty-Five Thousand Dollars (\$25,000) in and for the Year 2021 as it Relates to Reoccurring Costs Associated with the Operation of the City, for Payment of Expenses, and for Purchases Associated with Vendors

Utilized by Multiple Departments within the City; Elimination of Necessity of Competitive Bidding in and for the Year 2021 as it relates to Certain Transactions; and Declaring an Emergency

3. **Ordinance No. 064-20**, an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2021, listed in Exhibit "A;" and Declaring an Emergency
4. **Resolution No. 065-20**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC on an as Needed Basis in Fiscal Year 2021, listed in Exhibit "A;" and Declaring an Emergency
5. **Ordinance No. 066-20**, an Ordinance Amending the Allocation of Funds as Found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency
6. **Resolution No. 068-20**, a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the Year 2021; and Declaring an Emergency
7. **Ordinance No. 069-20**, an Ordinance Apportioning the Expenses Incurred Including Wages, Salaries and Fringe Benefits of the Mayor, Council, and Various Other Departments of the City of Napoleon Which Are Not Otherwise Directly Charged to Special and/or Capital Projects Among Various Accounts Effective January 1, 2021; Amending Ordinance No.(S) 104-09 and 087-19; and Declaring an Emergency

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 054-20**, an Ordinance Amending Certain Sections of Chapter 955 of the Codified Code of Ordinances of the City of Napoleon, Ohio, specifically Section 955.16, regarding Current Municipal Swimming Pool Admission Rates, also Adding Section 955.16(g) regarding Corporate Membership Pool Admission Rates
2. **Resolution No. 055-20**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement between the City of Napoleon, Ohio and MSG Investments, Ltd. within Napoleon CRA #6; and Declaring an Emergency
3. **Ordinance No. 056-20**, an Ordinance Declaring the Improvement of Certain Parcels of Real Property to be a Public Purpose; Declaring such Property to be Exempt from Real Property Taxation; Designating Specific Public Infrastructure Improvements Made, to be Made, or in the Process of Being Made, that Directly Benefit, or that Once Made will Directly Benefit, the Parcels for which Improvement is Declared to be a Public Purpose; requiring Annual Service Payments in Lieu of Taxes; Providing Related Authorizations pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.832 and 5709.85; and Approving Compensation Agreements with the Boards of Education of the Napoleon Area City School District and the Liberty Center Local School District

GOOD OF THE CITY (Discussion/Action)

1. Fourth Quarter Budget Adjustments-Supplemental No. 8 (direct Law Director to Draft Legislation)
2. Fourth Quarter Budget Adjustments-Transfer of Appropriation No. 4 (direct Law Director to Draft Legislation)
3. Fourth Quarter Budget Adjustments-Transfer of Funds No. 5 (direct Law Director to Draft Legislation)
4. Supplemental Under \$25,000
 - The attached sheet shows the Supplemental Under \$25K that was made on 11.18.2020
5. Request to Apply for ODNR Division of Forestry Grant for the Volunteer Fire Assistance (VFA) Grant Program to Purchase Mobile Repeaters
6. Request to Apply for a Grant for Completion of Vulnerability Survey from the Ohio Attorney General's Office in the amount of \$600

7. to Single Source Rental of Belt Press for 2021 WWTP Improvements Project (direct Law Director to Draft Legislation)
 - attached is a Memorandum from Chad on this request.
8. Transfer of Liquor Permit from S and G Stores II LLC to American Road LLC
 - We received the *Notice to Legislative Authority* from the Ohio Division of Liquor Control. No Action is required by Council unless a hearing would be requested.
9. Acceptance of \$190.00 Donation in Gift Cards from Shirley Houston and Family (Police)
10. Acceptance of \$2,000.00 Donation from Napoleon Police Officers Association for Equipment for the Safety City Program
11. Acceptance of \$2,000.00 Donation from the Napoleon Police Officers Association for the DARE Program.
12. Acceptance of \$567.60 Donation from the LE Magnetic Incorporation for the Production of the Police Departments Magnetic 2021 to be designated for the DARE Program.

INFORMATIONAL ITEMS

1. Agenda – Records Commission Monday, December 7th at 8:00 am
2. Canceled – Technology and Communications Committee
3. Agenda – Planning Commission Tuesday, December 8th at 5:00 pm
4. Canceled – Board of Zoning Appeals

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, December 07, 2020 at 7:00 pm

City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
The WebEx link to the meeting will be posted at www.napoleonohio.com

A. Attendance (Noted by the Clerk)

B. Prayer and Pledge of Allegiance

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

1. November 16, 2020 Regular Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. **Finance and Budget Committee** did not meet on November 23, 2020 due to lack of agenda items.
2. **Safety and Human Resources Committee** did not meet on November 23, 2020 due to lack of agenda items.
3. **Technology and Communications Committee** did not meet tonight due to lack of agenda items.

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

1. **Civil Service Commission** met on November 24, 2020 and Certified the Firefighter/Paramedic list.
2. **Park and Recreation Board** meeting for November 25, 2020 was canceled due to lack of agenda items.
3. **Board of Zoning Appeals** meeting for December 8, 2020 has been canceled due to lack of agenda items.
4. **Planning Commission** will meet on December 8, 2020 to consider PC 20-15 a request for a Subdivision Replat of Lot D in Hogrefe's Plat II.

G. Introduction of New Ordinances and Resolutions

1. **Resolution No. 072-20**, a Resolution Extending the Provisions contained in Ordinance No. 021-18 and Resolution No. 086-19, wherein Council Imposed a Temporary Reduction and/or Temporary Elimination of Certain Residential Building Permit Fees; and Declaring an Emergency
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EXECUTIVE SESSION (Compensation of Personnel)

5. **Ordinance No. 067-20**, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2021; repealing Ordinance No. 088-19; and Declaring an Emergency

H. Second Readings of Ordinances and Resolutions

1. **Resolution No. 062-20**, a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to take Bids on Certain Projects, Services, Equipment, Materials, or Supplies without the Requirement for Additional Legislation to do so in the Year 2021; and Declaring an Emergency
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I. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 054-20**, an Ordinance Amending Certain Sections of Chapter 955 of the Codified Code of Ordinances of the City of Napoleon, Ohio, specifically Section 955.16, regarding Current Municipal Swimming Pool Admission Rates, also Adding Section 955.16(g) regarding Corporate Membership Pool Admission Rates
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J. Good of the City (Any other business that may properly come before Council, including but not limited to):

1. **Discussion/Action:** Fourth Quarter Budget Adjustments-Supplemental No. 8 (direct Law Director to Draft Legislation)
2. **Discussion/Action:** Fourth Quarter Budget Adjustments-Transfer of Appropriation No. 4 (direct Law Director to Draft Legislation)
3. **Discussion/Action:** Fourth Quarter Budget Adjustments-Transfer of Funds No. 5 (direct Law Director to Draft Legislation)

4. **Discussion/Action:** on Supplemental Under \$25,000
5. **Discussion/Action:** Request to Apply for ODNR Division of Forestry Grant for the Volunteer Fire Assistance (VFA) Grant Program to Purchase Mobile Repeaters
6. **Discussion/Action:** Request to Apply for a Grant for Completion of Vulnerability Survey from the Ohio Attorney General's Office in the amount of \$600
7. **Discussion/Action:** to Single Source Rental of Belt Press for 2021 WWTP Improvements Project (direct Law Director to Draft Legislation)
8. **Discussion/Action:** Transfer of Liquor Permit from S and G Stores II LLC to American Road LLC
9. **Discussion/Action:** Acceptance of \$190.00 Donation in Gift Cards from Shirley Houston and Family.
10. **Discussion/Action:** Acceptance of \$2,000.00 Donation from Napoleon Police Officers Association for Equipment for the Safety City Program
11. **Discussion/Action:** Acceptance of \$2,000.00 Donation from the Napoleon Police Officers Association for the DARE Program.
12. **Discussion/Action:** Acceptance of \$567.60 Donation from the LE Magnetic Incorporation for the Production of the Police Departments Magnetic 2021 to be designated for the DARE Program.

K. Executive Session (as may be needed)

L. Approve Payment of Bills (in the absence of any objections or corrections, the Payment of Bills shall stand approved.)

M. Adjournment



Roxanne Dietrich - Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, January 4, 2021 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, December 14, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for December 2020
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, December 14, 2020 @7:00 pm)
 - a. Update on 2021 Wastewater Treatment Plant Improvements Project
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, December 14, 2020 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, December 21, 2020 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, December 28, 2020 @6:30 pm)
 - a. January 25, 2021 – City Council pay
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, December 28, 2020 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, December 14, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for December 2020
 - b. Update on Substations
 - c. Electric Department Report
 - d. Update on 2021 Wastewater Treatment Plant Improvements Project
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, December 8, 2020 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, December 8, 2020 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, January 18, 2021 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, December 22, 2020 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, December 30, 2020 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2021 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Meeting: June 8, 2021 @4:00 pm)
9. **Housing Council - Meets First Monday in April (meeting to be scheduled after the TIRC meeting)**
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)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, November 16, 2020 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel Baer-Council President Pro-Tem, Jeff Comadoll, Lori Sicclair, Ken Haase, Ross Durham, Molly Knepley
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon via WebEx
Finance Director	Kelly O'Boyle via WebEx
City Staff	Clayton O'Brien-Fire Chief Dave Mack-Chief of Police Tony Cotter, Director of Parks and Recreation and Cemeteries Chad E. Lulfs, P.E., P.S.-Director of Public Works
Clerk of Council	Roxanne Dietrich
City Staff on WebEx	Others
Others on WebEx	News Media

ABSENT

CALL TO ORDER

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

MAYOR MAASSEL'S PRESENTATION OF THE 2021 BUDGET

Thank you for allowing me to present the 2021 budget. For the 2021 Estimated Revenue, you can see that the income tax is going to remain at \$4.25 million dollars. That is a good estimate of the income we are going to receive from 2020 due to the COVID pandemic that we are currently going through. The three big numbers are the water utility, the electric utility is the largest number, and the sewer utility. I also want to focus on the investment income number of \$180,000. Right now is a great time to refinance a house, it is not a great time to be looking for those assets to provide more income on an annual basis. The investment income number along with the income tax number, we would like for both to be higher but, I think it is a good estimate for where we are going to be at the end of 2021. Next shows the same graph broken out into a pie chart format. There are a lot of different numbers in there with a lot of different colors is a nice way to see all the pieces of the pie divided up. In the appropriations the salaries and fringe benefits is \$10.7 million that gets our people here and another \$8.1 million is to allow them to do their jobs. Purchased power is big at \$13.8 million dollars, capital improvements is at \$12.5 million dollars and debt is \$7.8 million dollars. While that debt number looks big, for the amount of work that we are doing in town and the low rates we are getting on our bonds, that payment number may not be going up as much as it maybe would be if we were getting bigger numbers on the front with the \$180,000 investment income number. The major capital items to look forward to in 2021 are the completion of American Road to include Oakwood Avenue, we will do milling and resurfacing on some local streets to the tune of \$450,000, Lynne Avenue has needed some help for a long time, I think that road right now can best be described as chip, seal or spray patch that needs some help so we will get some help there, obviously the big one will be the Wastewater Treatment Plant improvements to start in 2021. Major machinery and equipment: two new patrol cars, a small dump truck, and also the Engineering Department truck are the big pieces of machinery and equipment that we will purchase in 2021. We are going to weather this storm, this pandemic storm started a little over

nine months ago and we are going to weather this together like we have done so far and we are going to have a much better 2021 when we get this pandemic solved and we are going to go forward together. I appreciate the City Manager and Finance Director working on this so hard. Thank-you.

Council President Bialorucki moved up Good of the City Item J.2.

RESOLUTION No. 053-20 – RECIPROCITY INCOME TAX

Council President Bialorucki read by title Ordinance No. 053-20, an Ordinance to Amend Chapter 194, Specifically Section 194.081 “Credit for Tax Paid-City of Napoleon,” of the Codified Ordinances of the City of Napoleon Regarding Municipal Income Tax, Amending Ordinance No. 053-15, and Declaring an Emergency.

Motion: Comadoll Second: Durham
to pass Resolution No. 052-20 on Third Read

Mazur stated this item we have been talking about for many months. With everything going on, we were not able to do an in-person meeting but, we were able to gather input from constituents and the public through Facebook surveys and other means. This is the third and final read to lower the tax credit to 70% from 100%.

Sicclair said someone had a concern about the survey that possibly we did not count that as much as we should have because the results were more people against the reciprocity decrease than for it. I think it was determined the ones against were not affected by it. I appreciate that people paid attention and filled out the survey and participated but that is what it boils down to.

Mazur noted at that time it was 50% since then the reduction was reduced to 70%. That was a change that was made as a result of some of the input that was provided by different sources. Sicclair asked does it make less sense to be at 30% than 33% is the question that was asked. Mazur replied the 30% number came in as this is what we need and can live with for the services we are looking at providing on the safety services side for personnel. Thirty percent is the bare bones minimum of what we need to provide for those Sicclair interjected for collection of the total purposes Mazur asked in terms of? Sicclair said it is the criticism that I have to answer to. I understand the 30% but this person did not think that was very smart, 30% rather than 33% for the sake of Durham interjected for the sake of making it an even third instead of Mazur-an even third instead of 30%? That is the amount that we thought was needed and it is less than the 33%. Sicclair asked if it will make it more difficult or impossible for other cities for O’Boyle said the 30% will be okay. Mazur – it is just a calculation.

Durham said one of the other concerns that was raised was the population shift over the last 20 to 30 years and the amount of staff held in the city during those shifts I believe the citizen quoted there has been a drastic 8% - 10% decrease in population over the last thirty years have we adjusted staffing accordingly or do we still maintain the same level? Mazur replied that is a really good point that someone brought up, I do dispute the numbers given out by the census bureau. Look at how much growth we have going on and the lack of listings that we have in the real estate market. I see when houses turn over how fast these houses are selling. We have a lot of young families moving into these houses, where they are coming from I do not know. It will be interesting to see what the census bureau brings up. It is not just that our population has decreased, but our median age has went up by five years which is very high. Age of population correlating it to the number of runs makes sense. It is the fact that the number of runs are still going up. It is the amount of service that we are able to provide is what it comes down to. Not necessarily the number of population that we have, but more importantly to me is, are we able to provide the service as a community that we want to provide to the people that live here. It is the number of runs that makes the biggest difference, not necessarily the population trend. Our business daytime population has increased too. It is not just the number of citizens but, our daytime population is up because of the number of businesses that are in town.

Bialorucki said he had someone ask about the amount of money that is needed for the additional staffing in the Fire Department, how are we going to ensure that all the money that is collected through the reciprocity is going to be funneled just for that? If there is fluctuation in the income and some years we do not have enough to pay for those positions and at other times if we have excess funds how will that be separated out. Mazur said another great question. The Finance Director is looking at some way in our finance software system to track what we are collecting on just the reciprocity piece. Every year, we will have to go over what is the cost for these specific positions and factor in the income tax split. We will have to make that adjustment year-to-year to look at what those positions costs and to ensure that those funds are only going towards the individuals that the reciprocity is meant for. Maassel pointed out Parks and Rec gets their cut. Mazur stated parks and rec is automatic because that is the way it was voted on by the public. Parks and Rec gets their cut and there is another piece that is carved out too. O'Boyle said there is an administrator cost and we estimate that be 8.5%. Going back to Bialorucki's questions, if there was anything, it would go to Fire and Police operations because the General Fund is fully funding them and the revenue that we bring in is not covering that. You have to remember that is the first year of the position and it will grow overtime when they get step increases, and with the increase in healthcare costs and then their pension percent goes up with the salary increases. Bialorucki asked if there are any safeguards in place that states what this money is for? Say down the road when some of us may be gone and someone wants to eliminate a couple of firefighter positions is there anywhere that it states the reciprocity is only to be used for? Mazur replied he does not see any safeguards in place specifically. Council can set a policy to put those safeguards in place to ensure that that happens. Bialorucki stated that would be important to do since the only reason I voted yes was the need for emergency services. If it is not stated anywhere positions could get chopped and the money would still be coming in and go somewhere else. Harmon stated we can amend the legislation to include language that the funds collected as change in the tax credit only go to police and fire. Bialorucki said we can that do in the future. Mazur said we are talking about it now and it is on record but at the end of the day, policies and decisions could be changed at a later date. Bialorucki asked if Harmon had a recommendation? Harmon stated the only thing in legislation 066-20 is the allocation of funds. Council could vote to amend that piece of legislation to include language to the affect that the funds collected as a result of this change in the tax credit would only go to police and fire. Bialorucki said we can do that in the future, we don't have to do that tonight. Harmon replied we do not have to do that tonight. We can see administratively the best way to make sure the funds are going where they are to be going. Certainly in a month or two or when Council desires, we can come back with an amendment to 066-20 to state that explicitly. Baer said he would very much like to see that as part of the legislation so the funds stay where we want them at. Bialorucki asked Harmon if that is something he can work on and bring back to Council when that is ready? Harmon said absolutely. You can make a motion now or I can look into language for some time in the future. Durham suggested Council can discuss that matter when we get to that item on the agenda.

Roll call vote to pass Resolution No. 053-20 on Third Read:
Yea-Knepley, Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll
Nay-
Yea-7, Nay-0. Motion Passed.

Bialorucki asked for a Motion to go into Executive Session for Compensation of Personnel.

Motion: Durham Second: Sicclair
to go into Executive Session for Compensation of Personnel

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

City Council went into Executive Session at 7:22 pm.

Motion: Comadoll

Second: Haase

to come out of Executive Session for Compensation of Personnel

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Council President Bialorucki reported no action was taken in Executive Session.

City Council reconvened the Council meeting at 8:25 pm.

APPROVAL OF MINUTES

Hearing no corrections or objections, the minutes from the November 2, 2020 Regular City Council meeting, November 6, 2020 Special City Council meeting and November 7, 2020 Special Council Meeting were all approved as presented.

CITIZEN COMMUNICATION

None.

REPORTS FROM COUNCIL COMMITTEES

The following committees met on Monday, November 9, 2020 with the respective chairs reporting as follows:

Chair Siclair reported the Electric Committee approved the PSCAF for November 2020.

Chairman Comadoll reported the Water, Sewer, Refuse, Recycling and Litter Committee reviewed the water and sewer rates. Courtney and Associates will be at the December meeting to do a presentation on a new rate study for both utilities.

Chair Knepley reported the Municipal Properties, Building, Land Use and Economic Development Committee recommend City Council extend the moratorium on fees for single family residential homes for one year ending December 31, 2021.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

RESOLUTION No. 062-20 – MASTER BID ORDINANCE FOR 2021

Council President Bialorucki read by title Resolution No. 062-20, a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to take Bids on Certain Projects, Services, Equipment, Materials, or Supplies without the Requirement for Additional Legislation to do so in the Year 2021; and Declaring an Emergency.

Motion: Haase

Second: Knepley

to approve First Read of Resolution No. 062-20

Mazur reported this is the annual ordinance referred to as the Master Bid Ordinance that allows us to bring projects over \$25,000 as a discussion/action item for approval to move forward. Comadoll asked how many times did Ron Foor mow for the City of Napoleon this year, was it over ten times? Did he go over \$25,000? Cotter said not the roadsides. This year he gave us a discount and we did a lump sum around \$20,000.

Motion: Comadoll Second: Knepley
to approve Second Read of Resolution No. 055-20

Mazur said this is the second read for the CRA Agreement with MSG Investments, Ltd. for the apartment complex off of Trail Drive.

Roll call vote to approve Second Read of Resolution No. 055-20
Yea-Knepley, Durham, Haase, Baer, Bialorucki, Siclair, Comadoll
Nay-

Yea-7, Nay-0. Motion Passed.

Ordinance No. 056-20 – TIF District

Council President Bialorucki read by title Ordinance No. 056-20, an Ordinance Declaring the Improvement of Certain Parcels of Real Property to be a Public Purpose; Declaring such Property to be Exempt from Real Property Taxation; Designating Specific Public Infrastructure Improvements Made, to be Made, or in the Process of Being Made, that Directly Benefit, or that Once Made will Directly Benefit, the Parcels for which Improvement is Declared to be a Public Purpose; requiring Annual Service Payments in Lieu of Taxes; Providing Related Authorizations pursuant to Ohio Revised Code Sections 5709.40 (B), 5709.42, 5709.43, 5709.832 and 5709.85; and Approving Compensation Agreements with the Boards of Education of the Napoleon Area City School District and the Liberty Center Local School District

Motion: Comadoll Second: Siclair
to approve Second Read of Ordinance No. 056-20

Mazur stated this is second read to establish the TIF district. Our local JVSD (Four County) is going to be hearing this at their meeting on Thursday to waive the notice period. If that is waived, this legislation can pass at the next council meeting. If they do not waive the notice, then we will need to schedule a Special Council meeting before the end of the year around December 28, 2020 to pass this before the end of the year.

Roll call vote to approve Second read of Ordinance No. 056-20
Yea-Knepley, Durham, Haase, Baer, Bialorucki, Siclair, Comadoll
Nay-

Yea-7, Nay-0. Motion Passed.

THIRD READING OF ORDINANCES AND RESOLUTIONS

Resolution No. 052-20 – William R. Meyers Annexation

Council President Bialorucki read by title Resolution No. 052-20, a Resolution Authorizing the City Manager to Enter into an Annexation Agreement with William R. Meyers for the Annexation of 3.038 acres of land, more or less.

Motion: Comadoll Second: Baer
to pass Resolution No. 052-20 on Third Read

Mazur said this is the third and final read for annexation of land just south of town right outside of Meyerholtz Park that is zoned residential. Comadoll asked how soon is Bill going to do this? Mazur replied he wants to get this done, get the sewer line built. He has a pump station and is going to connect the sewer up the hill a little ways. Meyers said he has interested buyers for the land.

Roll call vote suspend the rules on Resolution No. 071-20:
Yea-Knepley, Durham, Haase, Baer, Bialorucki, Siclair, Comadoll
Nay-
Yea-7, Nay-0. Motion Passed.

Roll call vote to pass Resolution No. 071-20 under Suspension and Emergency.
Yea-Knepley, Durham, Haase, Baer, Bialorucki, Siclair, Comadoll
Nay-
Yea-7, Nay-0. Motion Passed.

AROUND THE TABLE

Mazur. Requested an Executive Session for Economic Development.

O'Boyle. No items.

Harmon. Requested an Executive Session for Pending or Imminent Litigation.
Happy Thanksgiving, stay home.

Knepley. No items.

Comadoll. No items.

Siclair. Thank-you to Chief O'Brien for our trip on the river last week, it was a dream come true. The ride was very cool and it was a really nice time with the firefighters.

Mayor. Same, thank-you very much for the boat ride, very informative, very cold. It was worthwhile to be able to actually be on the piece as it was operating.

I want to thank Officer Stewart for his hospitality on Wednesday morning. I really appreciated the ride-along and the time. We had a lot of high winds come through in the last 24-48 hours. Speaking for me, my lights never flickered, they were never off, they were on the entire time. That happens from all the work before that and we appreciate all that work.

I would like to appoint Greg Heath to the Records Commission to replace Doug Herman.

APPOINTMENT TO RECORDS COMMISSION

Motion: Durham Second: Siclair

to approve the Mayor's recommendation to appoint Greg Heath to the Records Commission

Roll call vote on the above motion:

Yea-Knepley, Durham, Haase, Baer, Bialorucki, Siclair, Comadoll
Nay-

Yea-7, Nay-0. Motion Passed.

Bialorucki. I would say the same thing Chief, we really appreciate going out on the boat and talking with Trevor and Matt. After we got back to the dock, we probably stood there for another 20 minutes listening to them. I don't know what was better for me going on the boat ride or talking to them and hearing about their experiences and especially Matt not coming from Napoleon and he had nothing but great things to say about the department and some of the equipment. Thank you for that experience. To get back on what the Mayor said about the Electric Department. I mentioned that to my wife, we heard there were two different power outages in the Napoleon area and neither one was our lines. She asked me why I was so happy about that and I said people do not realize when your lights stay on what is all happening behind the scenes. In both cases I think trees fell on these lines. The City does a great job trimming trees and replacing poles that look weaker so we can all have our power on.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Council President Bialorucki reported No Action was taken.

Motion: Siclair

Second: Comdoll

to come out of Executive Session for COMPENSATION OF PERSONNEL

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Council President Bialorucki reported No Action was taken.

City Council reconvened the meeting at 10:01 pm.

APPROVE PAYMENT OF BILLS

Payments of bills was approved.

Durham asked if we should address the comment that was in the Chat Box. Mazur noted that comment came in after discussions on the reciprocity to safeguard the funds. The question was: *If for some reason, forces were reduced and I doubt that would happen seeing our growth, then all this money would still go to all those safety services as the reduced credit was intended. Wouldn't unneeded funds from the general fund that usually were fudged would just not be allocated. I would see a need for any language dealing with that.* Mazur-I interpret that as if there are any unneeded funds they would be allocated to safety services.

ADJOURNMENT

Motion: Comadoll

Second: Knepley

to adjourn the City Council meeting at 10:04 pm.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Approved:

December 7, 2020

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Submitted by:

Roxanne Dietrich, Clerk of Council

RESOLUTION NO. 072-20

A RESOLUTION EXTENDING THE PROVISIONS CONTAINED IN ORDINANCE NO. 021-18 AND RESOLUTION NO. 086-19, WHEREIN COUNCIL IMPOSED A TEMPORARY REDUCTION AND/OR TEMPORARY ELIMINATION OF CERTAIN RESIDENTIAL BUILDING PERMIT FEES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Municipal Properties, Buildings, Land Use and Economic Development Committee met on March 12, 2018 and, in order to increase economic development within the City, determined it appropriate to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and continuing through December 31, 2019; and,

WHEREAS, upon recommendation of the City Municipal Properties, Buildings, Land Use and Economic Development Committee, Council deemed it prudent to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and ending December 31, 2019; and,

WHEREAS, City Council previously enacted a twelve (12) month extension to the previously passed Ordinance in Resolution No. 086-19, passed unanimously on December 16, 2019, in an effort to continue the trend of increased economic development within the City, ending December 31, 2020; and,

WHEREAS, City Council now deems it appropriate to enact another twelve (12) month extension to the previously passed Ordinance and Resolution, ending December 31, 2021; and,

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Napoleon, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments, City Council finds that an emergency exists regarding the aforesaid, and that it is advisable that this Resolution be declared an emergency measure which will take immediate effect in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, upon its adoption; **Now Therefore,**

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

Section 1. That this Council hereby extends by twelve (12) months the provisions contained in Ordinance No. 021-18 and Resolution No. 086-19, wherein Council previously imposed a temporary reduction and/or temporary elimination of certain residential building permit fees.

Section 2. That, this extension shall become effective December 31, 2020 shall remain in effect for twelve (12) months, through December 31, 2021, and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is conducive to the trend of increasing economic development in the City and to allow sufficient time for the Municipal Properties, Buildings, Land Use and Economic Development Committee or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare

through the provision of waiving said building fees to increase economic development within the City.

Section 3. This City Council finds and determines that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 4. That, for all the reasons stated herein, 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; 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. Further, the Emergency Clause is necessary to enter into the stated extension 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 Resolution No. 072-20 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.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 073-20

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 7) FOR THE YEAR 2020; AND DECLARING AN EMERGENCY

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 082-19 for the fiscal year ending December 31, 2020 shall be supplemented (Supplement No. 7) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, 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. 073-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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

2020 APPROPRIATION BUDGET - SUPPLEMENTAL #7

ORDINANCE No. 073-20

<u>Supplemental #7</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2020 FUND TOTAL</u>
Fund 250-Local Coronavirus Relief Fund 250.1300.59001 Reimbursements for COVID-19 expenses Reason: Redistribution of CARES Act Funding from other Henry County Local Governments - revenue estimate will be increased to offset		\$120,369.81	\$120,369.81	\$120,369.81

ORDINANCE NO. 074-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, 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. 098-19 passed January 20, 2020, notes in anticipation of bonds in the principal amount of \$2,352,000, dated February 25, 2020 (the “*Outstanding Notes*”) were issued for the purpose described in Section 2, to mature on February 25, 2021; and,

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City and provide an additional \$148,000 for the purpose described in Section 2; and,

WHEREAS, this City Council has requested that the Finance Director, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum maturity of the Bonds described in Section 2; and,

WHEREAS, the Finance Director has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is at least twenty-seven (27) years; **Now Therefore**,

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement (if any), the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Bonds and the principal of and interest and any premium on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates 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 Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Finance Director, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Napoleon, Ohio.

“*City Law Director*” means the City Law Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*City Manager*” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“*Clerk of Council*” means the Clerk of Council of the City Council or any person serving in an interim or acting capacity with respect to that office.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the

holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 9(c).

“*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 Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Finance Director*” means the Finance Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*Financing Costs*” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“*Interest Payment Dates*” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

“*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.

“*Principal Payment Dates*” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2040; *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be deferred up to eight years and/or advanced by such number of years as determined in each case by the Finance Director, and *provided further* that in no case shall the final Principal Payment Date of the Bonds exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the Finance Director in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This City Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$2,500,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal water system by 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*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Finance Director in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose described in this Section 2, taking into account the costs of refunding the Outstanding Notes and providing additional money for the purpose described in Section 2, the estimates of the Financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal

advisor, paying agent and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Finance Director, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement (if any) may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award, and in the Purchase Agreement (if any) and/or the Registrar Agreement) shall be paid into the Bond Retirement Fund. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the Finance Director's determination of the best interest of and financial advantages to the City, the Finance Director shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption

Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Finance Director, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Finance Director, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking

Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Finance Director, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Finance Director in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Finance Director to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be

Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the

redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Finance Director, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall also be countersigned by the Mayor, *provided* that the signature of the Mayor may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, shall be numbered as determined by the Finance Director in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Finance Director is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Finance Director determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section 5.

The Bonds 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: (i) the Bonds may be issued in the form of a single, fully

registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) 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 (iv) the Bonds 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 Bonds 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 Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar 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 hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Finance Director determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Finance Director is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Finance Director in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Finance Director with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award and the Purchase Agreement (if any), in accordance with law and the provisions of 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 Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Finance Director shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent that the Finance Director determines it would be financially advantageous to the City, the City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in

substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 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 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 Bonds and are appropriated for that purpose, and to the extent not paid from the 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 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 Bonds.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds. The Finance Director or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds 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 Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds 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 Bonds.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Finance Director are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Finance Director, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Finance Director is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Finance Director determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Finance Director are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Finance Director is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required

under the Rule, the Finance Director shall consult with and obtain legal advice from, as appropriate, the City Law Director and bond or other qualified independent special counsel selected by the City. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. 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 Bonds 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 of Ohio, 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. To the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, 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 Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11. Municipal Advisor. 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 Bonds. 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 of Ohio, 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 the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, 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 Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This City 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 Bonds 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 Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award, the Purchase Agreement (if any) and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City 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 15. Effective Date. 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 Bonds, 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. 074-20 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.

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 074-20, 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 February 4, 2013, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$2,500,000 (the "*Bonds*"), to be issued 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 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 at least twenty-seven (27) years.

Dated: December 1, 2020



Finance Director
City of Napoleon, Ohio

ORDINANCE NO. 075-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,950,000, 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. 105-19 passed January 20, 2020, notes in anticipation of bonds in the principal amount of \$3,500,000, dated February 25, 2020 (the “*Outstanding Notes*”) were issued for the purpose described in Section 2, to mature on February 25, 2021; and,

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City and provide an additional \$450,000 for the purpose described in Section 2; and,

WHEREAS, this City Council has requested that the Finance Director, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum maturity of the Bonds described in Section 2; and,

WHEREAS, the Finance Director has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is at least twenty (20) years; **Now Therefore**,

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement (if any), the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Bonds and the principal of and interest and any premium on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates 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 Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Finance Director, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Napoleon, Ohio.

“*City Law Director*” means the City Law Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*City Manager*” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“*Clerk of Council*” means the Clerk of Council of the City Council or any person serving in an interim or acting capacity with respect to that office.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the

holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 9(c).

“*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 Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Finance Director*” means the Finance Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*Financing Costs*” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“*Interest Payment Dates*” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

“*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.

“*Principal Payment Dates*” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2047; *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced by such number of years as determined by the Finance Director, and *provided further* that in no case shall the final Principal Payment Date of the Bonds exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the Finance Director in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This City Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$3,950,000 (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*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Finance Director in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose described in this Section 2, taking into account the costs of refunding the Outstanding Notes and providing additional money for the purpose described in Section 2, the estimates of the Financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor, paying agent and rating agency, any fees or premiums relating to municipal bond

insurance or other security arrangements determined necessary by the Finance Director, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement (if any) may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award, and in the Purchase Agreement (if any) and/or the Registrar Agreement) shall be paid into the Bond Retirement Fund. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the Finance Director's determination of the best interest of and financial advantages to the City, the Finance Director shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest

payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Finance Director, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Finance Director, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal

Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Finance Director, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Finance Director in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Finance Director to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If

fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to

bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Finance Director, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall also be countersigned by the Mayor, *provided* that the signature of the Mayor may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, shall be numbered as determined by the Finance Director in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Finance Director is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Finance Director determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section 5.

The Bonds 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: (i) the Bonds may be issued in the form of a single, fully

registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) 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 (iv) the Bonds 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 Bonds 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 Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar 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 hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Finance Director determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Finance Director is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Finance Director in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Finance Director with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award and the Purchase Agreement (if any), in accordance with law and the provisions of 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 Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Finance Director shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent that the Finance Director determines it would be financially advantageous to the City, the City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in

substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 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 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 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 Bonds.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds. The Finance Director or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds 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 Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds 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 Bonds.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Finance Director are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Finance Director, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Finance Director is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Finance Director determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Finance Director are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Finance Director is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required

under the Rule, the Finance Director shall consult with and obtain legal advice from, as appropriate, the City Law Director and bond or other qualified independent special counsel selected by the City. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. 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 Bonds 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 of Ohio, 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. To the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, 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 Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11. Municipal Advisor. 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 Bonds. 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 of Ohio, 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 the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, 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 Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This City 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 Bonds 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 Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award, the Purchase Agreement (if any) and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City 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 15. Effective Date. 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 Bonds, 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. 075-20 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.

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 075-20, passed _____, 2020.

Roxanne Dietrich, Clerk of Council

Date

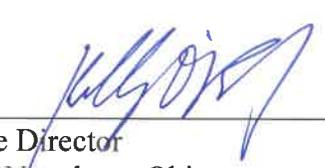
**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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 bonds in the maximum principal amount of \$3,950,000 (the "*Bonds*"), to be issued 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 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.

Dated: December 1, 2020



Finance Director
City of Napoleon, Ohio

ORDINANCE NO. 067-20

**AN ORDINANCE ESTABLISHING A NEW POSITION
CLASSIFICATION PAY PLAN FOR EMPLOYEES OF THE CITY
OF NAPOLEON, OHIO FOR THE YEAR 2021; REPEALING
ORDINANCE NO. 088-19; AND DECLARING AN EMERGENCY**

WHEREAS, Council reviewed the proposed Year 2021 annual appropriation measure and finds, in general, as it relates to non-bargaining employees of the City of Napoleon, Ohio, that a compensation increase of two percent (2%) is generally warranted subject to various considerations as contained herein; and,

WHEREAS, Exhibits A, B, and C attached hereto and incorporated herein, reflect pay scales for City of Napoleon non-bargaining employees. The pay scales noted in these Exhibits generally contain a two percent (2%) pay increase from the 2020 pay scales; and,

WHEREAS, Council desires to make said compensation increases effective on the pay period commencing on or about December 14, 2020; and,

WHEREAS, Council now desires to adopt a new 2021 Classification Pay Plan for its non-bargaining employees as stated in this Ordinance and Exhibits A, B, and C; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") had previously established a new 2020 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees, passed by Council on January 6, 2020.

Section 2. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, the pay scale (steps) for the City's non bargaining employees (full time) positions of this city shall be provided, unless modified, as established in Exhibit "A," attached and incorporated herein. Subject to the provisions of the City's Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 3 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level of compensation the Department Director or Appointing Authority deems appropriate as listed in Exhibit "A."

Section 3. That, effective with the first pay period for the Year 2021, which commences on or about December 14, 2020, each non-bargaining employee (full time regular) (hourly), subject to Employment Policy Manual Policy §8.10 (Compensation Reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with the City, to be advanced one (1) step in the Pay Plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in the Pay Plan shall be determined by contrasting the base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit "A" for the respective year. For new hires, the Department Director or Appointing Authority may place an employee within the scale where the Department Director or Appointing Authority deems appropriate considering merit and

fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with §197.09(e) of the Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer. Notwithstanding any other provision of this Pay Plan, the Zoning Administrator shall receive a bonus to be pro-rated over the calendar year of *Five Hundred (\$500.00) Dollars* for each certification he or she holds, as follows: an Ohio Residential Building Official; Ohio Residential Plumbing Inspector; and, Ohio Electrical Safety Inspector. The Zoning Administrator must provide written proof of each certification to the City Manager prior to receiving the bonus.

Section 4. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, the pay scale for non-bargaining employee (salaried) (full time) positions of this City which are exempt under the Fair Labor Standards Act (FLSA) as it relates to overtime, shall be provided, unless modified, as established in Exhibit “B,” attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of the City’s Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 5 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit “B.”

Section 5. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, each non bargaining employee (salaried) (full time) position of this City as defined in Section 4 of this Ordinance, is eligible to have a minimum salary increase of two percent (2%) for Year 2021, subject to Employment Policy Manual “Policy §8.10 (Compensation Reviews),” calculated from what the employee is making at the time just prior to the proposed increase period, and as reflected in the amounts expressed in Exhibit “B.” In no event shall any increase place the employee above the top scale as established in Section 4 of this Ordinance. For new hires or current employees, the Department Director or Appointing Authority may place an employee, at any time, within the scale where the Department Director or Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 6. That, effective with the first pay period of the Year 2021, that commences on or about December 14, 2020, the Pay Scale (steps) for part time, permanent part time, and temporary employees of this City shall be provided unless modified, as stated in the table found in Exhibit “C” (attached and incorporated herein), except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of the City’s Personnel Code and Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit “C.” Employment Policy Manual 2014-1, Policy Section 8.10, (compensation reviews), is applicable only to permanent part time employees, not part time or temporary employees.

Section 7. That, all paid part time, permanent part time, and temporary employees of the City shall, effective with the first pay period of the Year 2021, that commences on or about December 14, 2020, have a minimum hourly base pay increase of two percent (2%) for Year 2021 calculated from what the employee’s base rate was

just prior to this proposed increase, and as is reflected in the amounts expressed in Exhibit “C” (the amounts include the two percent (2%) increase). Only permanent part time employees are subject to Employment Policy Manual 2014-1 Policy §8.10 (compensation reviews), when applicable. Part time employees of the Fire/Rescue Department will remain on probationary/trainee status until removed by the City Manager upon recommendation of the Fire Chief. For new hires or current employees of the City, the Appointing Authority or Department Director may place an employee within the scale where the Appointing Authority or Department Director deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non-full time status positions found in Exhibit “C” (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority or Department Director at any time, except that Council shall approve any modification to a full time status. Additionally, the position of Probation Officer PIIG Grant is hereby set as expressed in Exhibit “C.”

Section 8. That, compensation for employees’ appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director or Appointing Authority, except that it shall not exceed the top pay scale established in this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director or Appointing Authority by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director or Appointing Authority so long as the amount paid may be accomplished without exceeding the department’s annual budget.

Section 9. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in Section 4 of this Ordinance and as stated in Exhibit “B” unless otherwise set by the Municipal Court Judge pursuant to ORC §1901.31 (C).

Section 10. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC §1901.31 and as stated in Exhibits “A, B, and C.”

Section 11. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC §1901.32 and as stated in Exhibits “A, B, and C.”

Section 12. That, the position of Chief Probation Officer as established in and for the City for the Napoleon Municipal Court shall be considered a full time regular employee having an hourly, non-exempt status. The job description as included in the Pay Plan, as prepared and/or revised by the Municipal Court Judge, is continued to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer’s wage rate at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer’s pay and benefits exceed the amount of the CCA Grant or as otherwise may be supplemented by the Municipal

Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 13. That, the position of Part-Time Probation Officer is hereby established by this legislation pursuant to City of Napoleon Charter Article II, Section 2.14, in and for the City for the Napoleon Municipal Court shall be considered a part time regular employee having an hourly, non-exempt status. The job description as included in the Pay Plan, as prepared and/or revised by the Municipal Court Judge, is hereby approved by this Council. The Part-Time Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Part-Time Probation Officer's wage rate at any time so long as within the limits of the JRIG Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Part-Time Probation Officer's pay and benefits exceed the amount of the JRIG Grant or as otherwise may be supplemented by the Municipal Court through other grants or funds outside the General Fund. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 14. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director or Appointing Authority as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance. Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 15. 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 16. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 17. That, all compensation paid under this Ordinance is subject to appropriation of funds by Council.

Section 18. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 19. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 20. 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 21. That, any employee who is employed by the City in more than one position shall be paid overtime in accordance with State and Federal wage and salary laws (specifically, after forty hours of work within one week the person should receive overtime based on the salary or wage for the position they are working when they surpass forty hours for that work week). However, but for the employee's normal scheduled employment, the department that causes the overtime shall be liable for the payment of overtime regardless of where the hours were worked.

Section 22. That, Ordinance No. 088-19 is repealed in its entirety effective December 14, 2020.

Section 23. 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 24. 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 25. 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 be in effect at the earliest possible time to allow for proper processing of wages to employees, this being essential to the harmony of the necessary workforce, 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. 067-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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

2021 Pay Ordinance

EXHIBIT "A"
(BASE HOURLY RATE)

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$12.53	\$14.41	\$15.47	\$16.60
Receptionist	\$14.17	\$16.25	\$17.42	\$18.73
Administrative Assistant	\$17.26	\$19.92	\$21.39	\$23.03
Front Desk Administrator	\$12.53	\$14.14	\$14.83	\$15.68
Service Building Secretary	\$12.53	\$14.14	\$14.83	\$15.68
Senior Service Building Secretary	\$15.57	\$17.86	\$19.20	\$20.73
Executive Assistant to Appointing Authority	\$20.96	\$22.34	\$23.78	\$25.29
Executive Assistant/Paralegal to Law Director	\$25.29	\$27.62	\$29.66	\$31.71
Account Clerk I	\$12.53	\$14.14	\$14.83	\$15.67
Account Clerk II	\$15.57	\$17.86	\$19.21	\$20.73
Utility Billing Administrator	\$17.68	\$20.35	\$21.80	\$25.89
Senior Account Clerk	\$17.26	\$19.92	\$21.40	\$25.30
Records Clerk/Recorder	\$15.57	\$17.86	\$19.20	\$20.72
Accounts Payable Clerk	\$15.57	\$17.86	\$19.20	\$21.80
Tax Administrator	\$17.68	\$20.35	\$21.80	\$25.89
Engineering Technician	\$18.98	\$21.80	\$23.35	\$25.05
Senior Engineering Technician	\$22.54	\$25.96	\$27.78	\$29.80
Staff Engineer	\$20.95	\$24.15	\$25.96	\$27.88
Licensed Staff Engineer	\$28.36	\$30.50	\$32.80	\$36.68
Construction Inspector*	\$25.38	\$29.16	\$31.25	\$34.34
Senior Electric Engineering Technician	\$22.54	\$25.96	\$27.78	\$29.80
Electrical Construction/Maintenance Inspector*	\$28.14	\$32.38	\$34.72	\$37.22
Zoning Administrator	\$24.66	\$28.33	\$30.37	\$32.55
Assistant Water Superintendent	\$30.26	\$31.39	\$33.11	\$34.84
Chief Water Treatment Operator	\$22.54	\$25.96	\$27.78	\$31.42
Chief Wastewater Treatment Operator	\$22.54	\$25.45	\$27.78	\$31.42
Police Lieutenant	\$0.00	\$32.96	\$34.51	\$36.24
Deputy Court Clerk	\$16.73	\$18.22	\$19.54	\$20.94
Chief Probation Officer	\$20.22		\$0.00	\$22.34
IT Specialist	\$18.60	\$20.58	\$22.57	\$24.56

* 5% Increase

2021 Pay Ordinance

EXHIBIT "B"
(BASED ON AN 80 HOUR PAY PERIOD)

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Assistant to the City Engineer	\$2,821.22	\$3,255.26
City Engineer	\$3,309.51	\$4,014.81
Public Works Director *	\$3,936.09	\$4,712.67
Golf Course & Grounds Superintendent	\$2,010.12	\$2,702.02
Parks & Recreation Director/Cemetery	\$1,821.64	\$3,166.04
Assistant Finance Director	\$3,006.15	\$3,489.63
Electrical Engineer	\$3,130.73	\$3,646.10
Electric Distribution Superintendent	\$3,191.92	\$3,931.98
IT Administrator	\$1,969.32	\$2,925.47
Human Resources Director	\$2,245.29	\$3,407.31
Municipal Court Bailiff	\$0.00	\$1,405.59
Municipal Court Clerk	\$1,902.91	\$2,128.43
Assistant Fire Chief	\$2,224.43	\$3,255.26
Fire Chief	\$2,766.96	\$3,653.04
Operations Superintendent	\$2,295.37	\$3,255.26
Water Superintendent	\$2,513.06	\$3,386.92
Wastewater Superintendent	\$2,513.06	\$3,386.92
Chief of Police	\$2,917.20	\$3,761.55

*Lump Sum of \$1500.00 not in base

EXHIBIT "C"
(BASE HOURLY RATE)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$10.08	\$13.77
Legal Clerk (Temporary)	\$14.49	\$23.28
Probationary/Trainee Fire Fighter/EMT	\$8.97	\$13.67
All Fire/Rescue Department (Part Time)	\$12.84	\$17.82
Deputy Court Clerk (Part Time)	\$11.17	\$15.34
Deputy Court Bailiff (Part Time)		\$14.69
Probation Officer JRIG Grant		\$16.61
Construction Inspection (Temporary)	\$13.55	\$14.51
Construction Engineer (Temporary) Engineering Dept.	\$41.11	\$44.05
Income Tax/Collection Clerk (Part Time)	\$10.08	\$17.78
Lifeguard (Seasonal)	\$8.97	\$15.06
Seasonal Laborer – Other	\$8.97	\$15.06
Recreation Worker (Seasonal)	\$8.97	\$15.06
Parks Maintenance Worker (Seasonal)	\$8.97	\$15.06
Golf Course Clubhouse Attendant (Seasonal)	\$8.97	\$15.06
Senior Center Fitness Coordinator (Part Time)	\$8.97	\$15.06
Code Enforcement Inspector	\$19.53	\$30.39
Adjunct EMS Instructor for the Fire Department (Part Time)		\$20.86
Adjunct Fire Instructor for the Fire Department (Part Time)		\$20.86

RESOLUTION NO. 062-20

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS AND AUTHORIZING A DEPARTMENT DIRECTOR TO TAKE BIDS ON CERTAIN PROJECTS, SERVICES, EQUIPMENT, MATERIALS, OR SUPPLIES WITHOUT THE REQUIREMENT FOR ADDITIONAL LEGISLATION TO DO SO IN THE YEAR 2021; AND DECLARING AN EMERGENCY

WHEREAS, each year from time to time, a Department Director (City Manager, City Finance Director, or City Law Director) is required to come to Council for authority to take bids for certain projects, services, or the purchase or lease of equipment, materials or supplies used in the City operations; and,

WHEREAS, in order to provide a more feasible, economical, and expedited method of bidding procedures, it is deemed necessary to give to the above mentioned Department Directors authority to bid such projects, services, equipment, materials, or supplies without the necessity of continued legislation; **Now Therefore**,

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

Section 1. That, the City Manager, City Finance Director, and City Law Director, for their respective departments, subject to Council's approval as to the specifications, plans, agreements, and other related bid documents when applicable, are hereby authorized to advertise and receive bids or take proposals as applicable for the projects, services, equipment, materials, or supplies that are anticipated to be in excess of twenty five thousand dollars (\$25,000) as listed in attached Exhibit "A," (such exhibit being incorporated into this Resolution by attachment and made a part hereof), without the necessity of further legislation in the year 2021; further, Council finds that the expenditure of funds in excess of twenty five thousand dollars (\$25,000) for each project, service, equipment, material, or supply listed in said Exhibit "A," is necessary and authorized, subject to an approved motion of Council permitting the respective Department Director to make award. If a contract for said project, service, equipment, material, or supply is awarded to a successful bidder (lowest and best) as a result of a competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awardee subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director. In the case of a non-competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awarded subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director.

Section 2. That, Council reserves the right, by motion of Council, to approve for award, direct no award, reject all or some bids, or rebid, when deemed in the best interest of the City as it relates to the projects identified in Section 1 of this Resolution; moreover, Council may waive any informalities in the bidding process.

Section 3. That, Chapters 105 and 106 of the Codified Ordinances of Napoleon, Ohio, shall continue to be applicable to any projects, services, equipment, materials, or supplies listed in attached Exhibit "A;" moreover, nothing in this Resolution shall be construed as limiting the Department Directors in making purchases or contracting for services in any manner as provided for in said Chapters, statutory law or as otherwise provided by Council. When competitive bidding is required for any project, service, equipment, material or supply as a matter of law, it shall be utilized unless otherwise eliminated by act of Council. When quality based selection is required for any project listed in Exhibit "A" for architectural, engineering, or construction management services as a matter of law, then the quality based selection process shall be utilized unless otherwise eliminated by act of Council. Also, Council hereby finds that the expenditure of funds in excess of twenty five thousand dollars (\$25,000) for each architectural, engineering, or construction management service as found in Exhibit "A" is necessary and approved as a proper public expenditure of funds, subject to approved motion of Council permitting the Department Director to make the award. Finally, the combining of projects, or the contracting or purchase of services, equipment, materials, or supplies is permitted of any project or item listed in Exhibit "A" without necessity of further authorization by Council.

Section 4. That, a Department Director is authorized to use this Resolution for authority for said bids and/or purchases as contained in this Resolution.

Section 5. That, any item listed in attached Exhibit "A" may be leased in lieu of purchasing when deemed appropriate by the respective Department Director.

Section 6. That, all leases, purchases and contracts for projects, services, equipment, materials, or supplies is subject to appropriation and certification of funds.

Section 7. That, any trade-ins shall be controlled by Section 107.05(c) of the Codified Ordinances of Napoleon, Ohio, as may be amended from time to time.

Section 8. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 9. That, if any other prior Resolution or Ordinance 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 10. 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 the timely purchase of materials, supplies, equipment or services essential to provide public peace, health or safety; 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. Further, the Emergency Clause is necessary to begin the process 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 Resolution No. 062-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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

DEPARTMENT/CATEGORY/ITEM DESCRIPTION
1300 CITY MANAGER/ADMINISTRATION
- City Facility Preliminary Engineering
1600 IT
- Copy machines/printers (various departments)
- Purchase of DELL servers (possibly Electric Dept.)
1700 ENGINEERING
- Pick Up Truck
2100 POLICE/SAFETY SERVICES
- Patrol Vehicles- Replacement of two (2) vehicles
2200 FIRE
4300 NAPOLEON AQUATIC CENTER
5100 SERVICES/STREETS SCM &4
- Small Dump Truck
- Oakwood Avenue & American Road Improvements
- Twin Oaks Subdivision – 7 th Addition
- Oakwood Avenue Improvement (Independence Drive to N. Perry Street)
- Annual Road Program – Milling & Resurfacing Local Streets
- Roadside mowing (contracted)
- Ice and snow removal (salt contracts)
- Tree trimming and stump removal (contracted)
- ROAD & STREET IMPROVEMENT PROGRAMS
- Annual Concrete Grinding
5200- Garage/Fuel Rotary
- Fuel
6110 ELECTRIC/OPERATIONS DIST.
- Wood poles
- Rate review
- Ermco- for transformer purchases
- Engineering study of substations
- STREET LIGHTING IMPROVEMENT PROGRAM
- Street/Security lighting improvements
- ELECTRIC FEEDER LINE IMPROVEMENTS
- Electrical underground upgrades and maintenance
- Electrical overhead upgrades and maintenance
- TRANSFORMER REPLACEMENT & DISPOSAL PROGRAMS
- Transformer replacement and disposal (inventory)

- ELECTRICAL IMPROVEMENTS & UPGRADES
- New system growth and updates
6200 WATER TREATMENT PLANT OPERATIONS
- Water Treatment Plant Chemicals
- Asset Management, Risk and Resilience Plan, Emergency Response Plan
- Emergency Repairs
- Membrane Cleaning Chemicals
6210 WATER DISTRIBUTION SYSTEM
- Lynne Avenue West of Glenwood Avenue Waterline Improvements
6300 SEWER/WASTE WATER TREATMENT PLANT
- Various sanitary sewer emergency repairs (contracted)
- Long Term Control Plan updates (contracted)
- Storm sewer improvements
- Chemicals (Wastewater Treatment Plant)
- Sanitary lateral repairs in City ROW
- Bio solids removal and landfill disposal
6310 SEWER/COLLECTION SYSTEM
- 2021 Wastewater Treatment Plant Improvements
- Front Street Interceptor & Palmer Ditch Force Main Relocation- L.T.C.P.
- Sanitary Sewer Emergency Repairs
- Sanitary Sewer Cleaning Program
- Oberhaus Interceptor Phase II
- Euclid Avenue Sanitary Sewer Improvements
- Sanitary Sewer Lateral Replacements
6400, 6510, 6411, 6420 SANITATION/COLLECTION & DISPOSAL
- Landfill Disposal Fees
- Concrete Grinding
- Brush Grinding
- Mosquito Spraying- Chemicals
- Recycling Services

RESOLUTION NO. 063-20

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS IN EXCESS OF TWENTY FIVE THOUSAND DOLLARS (\$25,000) IN AND FOR THE YEAR 2021 AS IT RELATES TO REOCCURRING COSTS ASSOCIATED WITH THE OPERATION OF THE CITY, FOR PAYMENT OF EXPENSES, AND FOR PURCHASES ASSOCIATED WITH VENDORS UTILIZED BY MULTIPLE DEPARTMENTS WITHIN THE CITY; ELIMINATION OF NECESSITY OF COMPETITIVE BIDDING IN AND FOR THE YEAR 2021 AS IT RELATES TO CERTAIN TRANSACTIONS; AND DECLARING AN EMERGENCY

WHEREAS, the City each year has reoccurring costs associated with the conducting of business with groups or associations established for or on behalf of the political subdivisions or instrumentalities of the State, which annually exceed twenty-five thousand dollars (\$25,000); and,

WHEREAS, the City each year has reoccurring costs associated with the conducting of business, many which result in mandatory payments or merely occurs as a result of the method of accounting utilized by the City's Finance Department; and,

WHEREAS, for convenience and efficiency, purchase orders are annually written to vendors by multiple departments of the City with a combined total that exceeds twenty-five thousand dollars (\$25,000); **Now Therefore**,

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

Section 1. That, the expenditure of funds by the City in excess of twenty-five thousand dollars (\$25,000), in and for the year 2021, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for purchases, services, coverage, or benefits listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 2. That, the expenditure of funds by the City in excess of twenty five thousand dollars (\$25,000), in and for the year 2021, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the following purchases associated with recreation, fund balance maintenance, public labor costs, public auditing, utilities, bonding, accounting, the payment of debt service, postal service, banking, permitting, and codification listed in Exhibit "B" attached hereto and made a part of this Resolution.

Section 3. That, the expenditure of funds in excess of twenty five thousand dollars (\$25,000) is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the City's cumulative purchase of product, supply, equipment and/or services periodically through the year 2021 from the following vendors; however, in no event shall the amount exceed twenty five thousand dollars (\$25,000) for any one purchase of product, supply, equipment and/or services or any one specific project under the authority of this Resolution listed in Exhibit "C" attached hereto and made a part of this Resolution.

Section 4. That, due to nature or uniqueness of the transactions or vending listed in Sections 1, 2 and 3 of this Resolution, except for the prohibition in Section 3 regarding the one time purchase over twenty-five thousand dollars (\$25,000), any requirement that may exist for competitive bidding is hereby eliminated in the best interest of the City.

Section 5. That, nothing in this Resolution shall be construed as to eliminate the necessity of quality based selection as it relates to architect, engineer or construction services for any one project that would otherwise require such a selection process, as such elimination of quality based selection would

require separate Council action; moreover, nothing in this Resolution shall be construed as to eliminate the restriction found in Section 3 of this Resolution as it relates to a single purchase or project expenditures.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. 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 6. 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 prompt purchases required to remain operational, being operational essential to public peace, health or safety; 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. Further, the Emergency Clause is necessary to begin the process 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 Resolution No. 063-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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

EXHIBIT "A"

American Municipal Power, Inc.	For: Contracted Power Purchase and Services
BORMA Benefit Plans	For: Insurance Premiums (Health)
CIC of Henry County, Ohio	For: Economic Development Services
Four County Career Center	For: Training Services
Henry County Auditor	For: Auditor Fees and Assessment Fees
Henry County Chamber of Commerce	For: Chamber Programs
Henry County EMA	For: Emergency Management Agency
Henry County Engineer	For: Engineering Shared Projects and Materials
Henry County Regional Water/Sewer District	For: Payments for Water Collections
Auditor of State of Ohio	For: Annual Auditing Services
John Donovan – Law Librarian	For: Law Library Payments
Multi Area Narcotics Task Force	For: Police Services and Narcotics Task Force
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Napoleon/Henry County Chamber of Commerce	For: Tourist Bureau and other
Northwestern Water & Sewer District	For: Payment for water
Ohio Bureau of Workers Compensation	For: Employee Worker's Comp. Insurance Coverage
Ohio Police Pension Fund	For: Police Pension Payment
Ohio Fire Pension Fund	For: Fire Pension Payment
Ohio Public Employers' Retirement System	For: Pension Payments
Public Entities Pool (PEP)	For: Insurance Premiums (Property & Casualty)
Treasurer State of Ohio	For: Various Items

EXHIBIT "B"

BHM CPA Group, Inc.	For: Auditing Services
Bonded Chemical	For: Chemicals at Water Treatment Plant
Calfee, Halter & Griswold, LLP	For: Specialized Legal Services
City of Napoleon, Fuel Rotary	For: Fuel Purchases
City of Napoleon, Garage Rotary	For: Garage Rotary Services
City of Napoleon, Income Tax	For: Refunds of Income Taxes
City of Napoleon, Payroll	For: Payroll Postings
City of Napoleon, Reimbursements	For: Inter-fund Reimbursements
City of Napoleon, Rescue	For: Township Portion of EMS Revenues
City of Napoleon, Utility	For: Meter Deposit Refunds
City of Napoleon, Utility	For: Utility Services
City of Napoleon, Utility	For: Water and Sewer Refunds
City of Napoleon, Utility	For: Electric Refunds
Embarq (CenturyLink)	For: Telephone Services
Farmer and Merchant's State Bank	For: Banking and Debt Service Payments
Greenline	For: Telephone Services
Huntington National Bank	For: Banking & Debt Service Payments
KSB Dubric	For: Pump Supplies and Repairs
Napoleon, Inc.	For: Newspaper Publication Services
National City Bank	For: Debt Service Payment
Ohio CAT	For: Equipment Rental and Parts
Ohio Gas Company	For: Utility Services
Ohio Water Development (OWDA)	For: Debt Service Payment
OMEGA JV5/Amp-Ohio Inc.	For: Purchase of Power
OMEGA JV6/Amp-Ohio Inc.	For: Purchase of Power
PNC Bank, N.A.	For: Debt Service Payments
Rescue-Township Charges (EMS)	For: EMS Revenues to Townships
Schonhardt and Associates	For: CAFR Preparation
Smart Bill, LTD	For: Outsourcing of Utility Bill Printing and Mailing
Squires, Patton, Boggs (US) LLP	For: Bond Counsel (Professional Services)
Telnamix	For: City Phone Services
The Accumed Group	For: EMS Billings and Collections
Treasurer State of Ohio	For: Payments to State
Trojan Technologies	For: Parts for UV System
US Bank N.A.	For: Debt Service Payments
US EPA (Treasurer, State of Ohio)	For: Permits

US Postmaster
Verizon Wireless
Weltman, Weinberg & Reis

For: Postal Services and Supply
For: Wireless Phone Services
For: Collection Services

EXHIBIT "C"

A & A Custom Crushing	For: Concrete Crushing
A Cut Above The Rest Tree Service	For: Tree Services
Advanced Rehabilitation Technology	For: Sewer Cleaning and Rehabilitation
AECOM	For: Engineering Services (Professional Services)
Aerotek	For: Temporary Staffing (Professional Services)
Altec Industries	For: Digger Truck Services
All Seasons Tree Care	For: Tree Services
Alloway	For: Professional Services – Lab Testing
Amazon	For: Various City Supplies & Equipment
American Property Analysts	For: Property Appraisals
American Rock Salt Co., LLC	For: Road Salt
Anixter Inc.	For: Electrical Transformers, Parts and Supplies
Aramark	For: Uniform Services
Arcadis	For: Engineering Services (Consulting & Professional Services)
Auglaize Tree Service	For: Tree Services
Baker Gas	For: Water Chemicals
Baker Vehicle Systems	For: Vehicle Parts & Repairs
Baldwin Poles	For: Utility Poles
Bob Wingate, Integrity Solutions	For: Bridge Inspections, Management & Repairs
Bonded Chemical	For: Chemicals at Water Treatment Plant
Boundtree Medical Supply, LLC	For: Medical Supplies
Brown Supply Co.	For: Janitorial Supplies
Brownstown Electric Supply	For: Electrical Supplies
Buck Pavement Restoration	For: Crack Sealing
Buckeye Pumps	For: Pump Repairs and Parts
Burch Hydro	For: Sludge Removal and Electrical Supplies
Burke Excavating and Mowing	For: Construction and Mowing Services
Bryan Excavating	For: Construction Services
Cahaba Timber	For: Wood Electric Poles
Cargill, Inc.	For: Road Salt
C&W Tank Cleaning	For: Digester Cleaning
CDW Government, Inc.	For: Computers and Supplies
Chemtrade Chemicals US, LLC	For: Chemicals
City Blue, Inc.	For: Survey Supplies
Clarke Mosquito Control Product	For: Mosquito Control Supply

Clemons Nelson	For: Legal Services
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Compass Minerals America	For: Road Salt
D & R Demolition Corp.	For: Concrete Crushing
Defiance County Landfill	For: Sanitation Dumping Services/Landfill Biosolids
Dell Marketing	For: IT Hardware Systems
Dennis Panning Excavating	For: Yard Waste Hauling and Disposal
Detroit Salt Company	For: Road Salt
Downtown	For: Downtown Renovation Vendors
Enaqua	For: Parts for UV Units
Encompass Engineers	For: Electrical Engineering Services
Estabrook, Corp.	For: Pump Supplies and Repairs
Ferguson Waterworks	For: Operations Parts and Supplies
Finley Fire Equipment	For: Fire Engines and Service Repairs
Fire Safety Services Inc.	For: Fire Services and Supply
Fire Service, Inc.	For: Fire Services and Supply
Fitzenrider, Inc.	For: Heating and Air Conditioning Service Work
Flex-Com	For: Camera Systems
Forrest Auto Supply	For: Automotive Parts & Supplies
Ft. Defiance Service Master	For: Cleaning and Sanitizing Services
Garcia Surveyors, Inc.	For: Surveying Services (Professional Services)
Gerken Asphalt Paving, Inc.	For: Paving Materials & Asphalt Laying
Go Green, Inc.	For: Brush Grinding Services
Heartland Rolloffs	For: Sludge Removal
Henry County Commissioners	For: Police radio fees
Henschen and Associates, Inc.	For: Software and Hardware Systems
Hoff Consulting, LLC	For: Consulting Services
Hydro Dyne Engineering, Inc.	For: Wastewater Remanufacturing of Screens
Jack Doheny Supplies Ohio, Inc.	For: Wastewater Supplies
J.A. Hillis Excavating, LLC	For: Excavation Services
Jennings Strauss & Salmon, LLC	For: Transmission Tariff Consultant
Jones & Henry Engineers, LTD	For: Consulting Services
K-Tech	For: Beet Heet
Kalida Truck	For: Vehicle Accessories
Kelsler's	For: Police department equipment
Koester Corp.	For: Engineering Services
Kuhlman Corp.	For: Parts and Supply
Kurtz Ace Hardware	For: Supplies

LEADS, Treasurer State of Ohio	For: Police Investigation
Lexipol	For: Police dept. policies
LEXIS/NEXIS	For: Police Investigation (Background)
The Mannik and Smith Group, Inc.	For: Engineering Services (Professional Services)
Masterpiece Sign Graphics, Inc.	For: Signs
Matrix Pointe Software	For: Police department software
Meeder Investment Management	For: Investment Management Services
Mega City Fire	For: Fire extinguishers
Meggar	For: Electrical Testing Equipment
Mel Lanzer Co.	For: Construction Services
Meldrum Mechanical	For: Pump Supplies & Equipment Repairs
Melrose Pyrotechnics, Inc.	For: Fireworks
Midwest Compost	For: Digester Cleaning
Miller Brothers Construction	For: Trucking, Hauling, and Excavating Services
Miller Textile	For: Police department rug cleaning services
Milsoft	For: Outage Management Software
Mohre Electronics Co.	For: Radio Services, Parts and Supply
Morton Salt	For: Road Salt
National Testing Network	For: Police dept. hiring tests
Neptune Equipment Co. (NECO)	For: Meter Parts and Supplies
Newegg Business	For: Computers and Supplies
Northwest Landscape Service	For: Landscaping and Supplies, Roadside & City Owned Property Mowing
Northwest Nursery	For: Tree Services
Northwest Pools	For: Pool Chemicals
NRP Midwest	For: Wastewater Treatment Chemicals
O'Reilly Auto Parts	For: Parts & Supplies
Oherron, Ray	For: Police department equipment
Ohio Dpt. of Transportation (ODOT)	For: Road Salt & Other Items
Ohio Peace Officers Training Academy	For: Training
Office Depot	For: Office Supply
One Source Waste Solutions	For: Waste Services
O'Reilly Auto Parts	For: Parts and Supplies
Owens Community College	For: Police Department training
Path Master	For: Traffic Signals Supplies and Services
Paulding County Engineer's Office	For: Cold Patch
Pepco	For: Supplies
Peterson Construction Company	For: Construction Services

Parker Hannfin Corp.	For: Water Meter Analyzer
Perrysburg Pipe and Supply	For: Parts and Supply
Perry Corporation	For: Copier, Scanner and Printer Supplies
Peterman Associates, Inc.	For: Engineering Services (Professional Services)
PNR Communications	For: Radio repair and parts
POET Ethanol Products	For: Chemicals for Water Treatment
Poggemeyer Design Group	For: Electrical Engineering Services
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerhouse Supply	For: Electrical Parts and Supplies
Processing Solutions	For: Water Treatment Chemicals
Provision	For: Police car cameras
Public Agency Training Council	For: Training
Quality Cleaning (Michael D. Draper)	For: Janitorial Services
Reed City Power Line Supply Co.	For: Electrical Parts and Supply
Reinke Ford	For: Automotive Services
Reveille	For: Engineering Services
Rich Ford	For: Vehicle Repair Services
RTEC Communications, Inc.	For: Communication Supplies & Equipment
S & S Directional Boring	For: Directional Boring
Sauber Manufacturing Co.	For: Reel Trailers
Saylor Tree Service, LLC	For: Tree Services
Schedule Anywhere	For: Police department scheduling
Schneider	For: Software for Metering
Schweitzer Engineering	For: Electrical Substation Materials
Searchie	For: Police department supplies
Snyder Chevrolet, Inc.	For: Automotive Services
Solomon Corporation	For: Transformers and Electric Supplies
Southeastern Equipment	For: Operations Parts and Supplies
Spectrum	For: Police department cable and internet services
Spectrum Engineering Corp.	For: Engineering Services (Professional Services)
Spengler Nathanson, PLL	For: Outside Counsel (Professional Services)
Stantec Consulting Services, Inc.	For: Engineering Services (Professional Services)
State of Ohio	For: Police radio fees
Statewide Ford	For: Police vehicle
Steve Campbell & Associates	For: Recorder – Police dept.
Stoops Freightliner	For: Vehicle parts
Stryker	For: EMS Equipment
Stuart C. Irby Co.	For: Electrical Parts & Supplies

Superior Uniform Sales, Inc.	For: Uniform Services
Survalent Technology	For: SCADA Programming Services
Target Specialty Products	For: Golf Course Chemicals
Tawa Tree Service	For: Tree Services
Tawa Mulch Landscape Supply	For: Landscaping Services
Terex Utilities, Inc.	For: Electric Equipment Purchases
The Accumed Group	For: Ambulance Billing Services
Thomas Spillis	For: Janitorial Services
Toledo Edison	For: Contracted Power Services
Toledo Fence & Supply Co.	For: Fencing Supplies
Tonjes, Jerry	For: Building repair
T & R Electric	For: Transformers
Tri City Industrial Power	For: Batteries & Other Power Supplies
TriFlow	For: Propane
Trojan Technologies	For: Parts for UV System
Unifirst	For: Uniform Services
Univar	For: Chemicals for Water Treatment
US Utility Contractor Co.	For: Traffic and Electrical Services
USALCO	For: Chemicals for Water Treatment
Utility Service Group	For: Chemicals for Water Treatment
Utility Services	For: NERC Compliance Services
Utility Truck Equipment	For: Bucket Truck
Vermeer	For: Wood Chipper/Parts
Vernon Nagel, Inc.	For: Trucking, Hauling, and Excavating Services
Viking Trucking, Inc.	For: Trucking and Hauling Services
Werlor, Inc.	For: Brush Grinding Services/Recycling Services
Wesco Distribution, Inc.	For: Electrical Supplies
Wigen Water Technologies	For: Membrane Services, Cleaning & Chemicals
Williams County Landfill	For: Sludge Disposal
Wood County Landfill	For: Sanitation Dumping Services
WR Meyers Co., Inc.	For: Construction and Excavating Services
Wright Express FSC-WEX, Inc.	For: Fuel Purchases
XYBIX Systems, Inc.	For: Police department dispatch desk
Zacks Recycling, LLC	For: Recycling Services
Zimmerman, Jack	For: Road Striping Services

EXHIBIT "A"

American Municipal Power, Inc.	For: Contracted Power Purchase and Services
BORMA Benefit Plans	For: Insurance Premiums (Health)
CIC of Henry County, Ohio	For: Economic Development Services
Henry County Auditor	For: Auditor Fees and Assessment Fees
Henry County Chamber of Commerce	For: Chamber Programs, Tourist Bureau and Other
Henry County Engineer	For: Engineering Shared Projects and Materials
Northwestern Ohio Water & Sewer District	For: Payments for Water Collections
Auditor of State of Ohio	For: Annual Auditing Services
Henry County Auditor	For: Law Library Payments
MAN Unit	For: Police Services and Narcotics Task Force
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Ohio Bureau of Workers Compensation	For: Employee Worker's Comp. Insurance Coverage
Ohio Police Pension Fund	For: Police Pension Payment
Ohio Fire Pension Fund	For: Fire Pension Payment
Ohio Public Employers' Retirement System	For: Pension Payments
Public Entities Pool (PEP)	For: Insurance Premiums (Property & Casualty)
Treasurer State of Ohio	For: Various Items
Treasurer State of Ohio, ODOT	For: Road Salt & Other Items

EXHIBIT "B"

BHM CPA Group, Inc.	For: Auditing Services
Bonded Chemical	For: Chemicals at Water Treatment Plant
Bryan Publishing	For: Newspaper Publication Services
City of Napoleon, Fuel Rotary	For: Fuel Purchases
City of Napoleon, Garage Rotary	For: Garage Rotary Services
City of Napoleon, Income Tax	For: Refunds of Income Taxes
City of Napoleon, Payroll	For: Payroll Postings
City of Napoleon, Reimbursements	For: Inter-fund Reimbursements
City of Napoleon, Rescue	For: Township Portion of EMS Revenues
City of Napoleon, Utility	For: Meter Deposit Refunds
City of Napoleon, Utility	For: Utility Services
City of Napoleon, Utility	For: Water and Sewer Refunds
City of Napoleon, Utility	For: Electric Refunds
Farmer and Merchant's State Bank	For: Banking and Debt Service Payments
Greenline	For: Telephone Services
Huntington National Bank	For: Banking & Debt Service Payments
KSB Dubric	For: Pump supplies and repairs
Ohio CAT	For: Equipment Rental & Parts
Ohio Gas Company	For: Utility Services
Ohio Water Development (OWDA)	For: Debt Service Payment
OMEGA JV5/Amp-Ohio Inc.	For: Purchase of Power
OMEGA JV6/Amp-Ohio Inc.	For: Purchase of Power
PNC Bank, N.A.	For: Debt Service Payments
Postmaster	For: Postal Services and Supply
Rescue-Township Charges (EMS)	For: EMS Revenues to Townships
Schonhardt and Associates	For: CAFR Preparation
Smart Bill, LTD	For: Outsourcing of Utility Bill Printing and Mailing
Squires, Patton, Boggs (US) LLP	For: Bond Counsel (Professional Services)
Telnamix	For: City Phone Services
The Accumed Group	For: EMS Billings and Collections
Treasurer State of Ohio	For: Payments to State
US Bank N.A.	For: Debt Service Payments
US EPA (Treasurer, State of Ohio)	For: Permits
Verizon Wireless	For: Wireless Phone Services
Weltman, Weinberg & Reis	For: Collection Services

EXHIBIT "C"

Amazon	For: Various City Supplies & Equipment
A & A Custom Crushing	For: Concrete Crushing
A Cut Above the Rest Tree Service	For: Tree Services
Advanced Rehabilitation Technology	For: Sewer Cleaning and Rehabilitation
Altec Industries	For: Digger Truck Services
All Seasons Tree Care	For: Tree Services
Alloway	For: Professional Services – Lab Testing
American Pavements, LLC	For: Crack Sealing
American Property Analysts	For: Property Appraisals
American Rock Salt Co., LLC	For: Road Salt
Anixter Inc.	For: Electrical Transformers, Parts and Supplies
B Clean Pro Services	For: Janitorial Services
Baker Vehicle Systems	For: Vehicle Parts & Repairs
Baldwin Poles	For: Utility Poles
Bob Wingate, Integrity Solutions	For: Bridge Inspections, Management & Repairs
Boundtree Medical Supply, LLC	For: Medical Supplies
Brown Supply Co.	For: Janitorial Supplies
Brownstown Electric Supply	For: Electrical Supplies
Buck Pavement Restoration	For: Crack Sealing
Buckeye Pumps	For: Pump Repairs and Parts
Burch Hydro	For: Electrical Supplies & Sludge Removal
Burke Excavating and Mowing	For: Construction and Mowing Services
Bryan Excavating	For: Construction Services
Cahaba Timber	For: Wood Electric Poles
Cargill, Inc.	For: Road Salt
C&W Tank Cleaning	For: Digester Cleaning
CDW Government, Inc.	For: Computers and Supplies
Chemtrade Chemicals US, LLC	For: Chemicals
City Blueprint of Toledo	For: Survey Supplies
Clarke Mosquito Control Product	For: Mosquito Control Supply
Clemons Nelson	For: Legal Services
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Compass Minerals America	For: Road Salt
D & R Demolition Corp.	For: Concrete Crushing
Defiance County Landfill	For: Sanitation Dumping Services/Landfill

	Biosolids
Dell Marketing	For: IT Hardware Systems
Dennis Panning Excavating	For: Yard Waste Hauling and Disposal
Detroit Salt Company	For: Road Salt
Encompass Engineers	For: Electrical Engineering Services
Ermco	For: Electric Transformers
Estabrook, Corp.	For: Pump Supplies and Repairs
Ferguson Waterworks	For: Operations Parts and Supplies
Finley Fire Equipment	For: Fire Engines and Service Repairs
Fire Safety Services Inc.	For: Fire Services and Supply
Fire Service, Inc.	For: Fire Services and Supply
Fitzenrider, Inc.	For: Heating and Air Conditioning Service Work
Flex-Com	For: Camera Systems
Forrest Auto Supply	For: Automotive Parts & Supplies
Gerken Asphalt Paving, Inc.	For: Paving Materials & Asphalt Laying
Heartland Disposal	For: Sludge Removal
Henschen and Associates, Inc.	For: Software and Hardware Systems
Hoff Consulting, LLC	For: Consulting Services
Hydro Dyne Engineering, Inc.	For: Wastewater Remanufacturing of Screens
Jack Doheny Supplies Ohio, Inc.	For: Wastewater Supplies
J.A. Hillis Excavating, LLC	For: Excavation Services
Jones & Henry Engineers, LTD	For: Consulting Services
K-Tech	For: Beet Heet
Kalida Truck	For: Vehicle Accessories
Koester Corp.	For: Engineering Services
Kuhlman Corp.	For: Parts and Supply
Kurtz Ace Hardware	For: Supply
The Mannik and Smith Group, Inc.	For: Engineering Services (Professional Services)
Masterpiece Sign Graphics, Inc.	For: Signs
The Accumed Group	For: Ambulance Billing Services
Meeder Investment Management	For: Investment Management Services
Meggar	For: Electrical Testing Equipment
Mel Lanzer Co.	For: Construction Services
Meldrum Mechanical	For: Pump Supplies & Equipment Repairs
Melrose Pyrotechnics, Inc.	For: Fireworks
Midwest Compost	For: Digester Cleaning

Miller Brothers Construction	For: Trucking, Hauling, and Excavating Services
Morton Salt	For: Road Salt
Neptune Equipment Co. (NECO)	For: Meter Parts and Supplies
Newegg Business	For: Computers and Supplies
North Branch Nursery	For: Tree Plantings
Northwest Landscape Service	For: Landscaping and Supplies, Roadside & City Owned Property Mowing
Northwest Pools	For: Pool Chemicals
NRP Midwest	For: Wastewater Treatment Chemicals
Office Depot	For: Office Supply
One Source Waste Solutions	For: Waste Services
O'Reilly Auto Parts	For: Parts & Supplies
Path Master	For: Traffic Signals Supplies and Services
Paulding County Engineer's Office	For: Cold Patch
Parker Hannfin Corp.	For: Water Meter Analyzer
Perrysburg Pipe and Supply	For: Parts and Supply
Perry Corporation	For: Copier, Scanner and Printer Supplies
Peterman Associates, Inc.	For: Engineering Services (Professional Services)
P&R Communications	For: Radio repair and parts
Poggemeyer Design Group	For: Electrical Engineering Services
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerhouse Supply	For: Electrical Parts and Supplies
Powerline Supply Co.	For: Electrical Parts and Supplies
Processing Solutions	For: Water Treatment Chemicals
Reinke Ford	For: Automotive Services
Reville	For: Engineering Services
RTEC Communications, Inc.	For: Communication Supplies & Equipment
S & S Directional Boring	For: Directional Boring
Sauber Manufacturing Co.	For: Reel Trailers
Saylor Tree Service, LLC	For: Tree Services
Schneider	For: Software for Metering
Schweitzer Engineering	For: Electrical Substation Materials
Snyder Chevrolet, Inc.	For: Automotive Services
Solomon Corporation	For: Transformers and Electric Supplies
Southeastern Equipment	For: Operations Parts and Supplies
Spectrum Engineering Corp.	For: Engineering Services (Professional Services)

Spengler Nathanson, PLL	For: Outside Counsel (Professional Services)
Stantec Consulting Services, Inc.	For: Engineering Services (Professional Services)
Statewide Ford	For: Police vehicle
Stoops Freightliner	For: Vehicle parts
Stuart C. Irby Co.	For: Electrical Parts & Supplies
Superior Uniform Sales, Inc.	For: Uniform Services
Survalent Technology	For: SCADA Programming Services
Target Specialty Products	For: Golf Course Chemicals
Tawa Tree Service	For: Tree Services
Tawa Mulch Landscape Supply	For: Landscaping Services
Terex Utilities, Inc.	For: Electric Equipment Purchases
Toledo Edison	For: Contracted Power Services
Toledo Fence & Supply Co.	For: Fencing Supplies
T & R Electric	For: Transformers
Tri City Industrial Power	For: Batteries & Other Power Supplies
UniFirst Corporation	For: Uniforms & Supplies
URS Corporation	For: Engineering Services (Professional Services)
US Utility Contractor Co.	For: Traffic and Electrical Services
USALCO	For: Chemicals for Water Treatment
Utility Service Group	For: Chemicals for Water Treatment
Utility Services	For: NERC Compliance Services
Utility Truck Equipment	For: Bucket Truck
Vermeer	For: Wood Chipper/Parts
Vernon Nagel, Inc.	For: Trucking, Hauling, and Excavating Services
Viking Trucking, Inc.	For: Trucking and Hauling Services
Werlor, Inc.	For: Brush Grinding Services/Recycling Services
Wesco Distribution, Inc.	For: Electrical Supplies
Wigen Water Technologies	For: Membrane Services, Cleaning & Chemicals
Wood County Land Fill	For: Sanitation Dumping Services
WR Meyers Co., Inc.	For: Construction and Excavating Services
Wright Express FSC-WEX, Inc.	For: Fuel Purchases
Zacks Recycling, LLC	For: Recycling Services
Zimmerman, Jack	For: Road Striping Services

ORDINANCE NO. 064-20

AN ORDINANCE ESTABLISHING THE APPROPRIATION MEASURE (BUDGET) OF THE CITY OF NAPOLEON, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY

WHEREAS, Council desires to pass an annual appropriation measure of the City of Napoleon for the fiscal year ending December 31, 2021; **Now Therefore**,

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

Section 1. That this annual appropriation measure be passed, and the sums as contained in Exhibit "A," attached hereto and made a part of this Ordinance, are set aside and appropriated for the fiscal year ending December 31, 2021.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, pursuant to 121.03(f) of the Codified Ordinances of the City of Napoleon, Ohio, this Ordinance is declared to be an Ordinance providing for appropriations for the current expenses of the City appropriations immediately required for the City to operate; therefore, this Ordinance shall be in full force and effect immediately upon its passage, subject to the approval by the Mayor, otherwise it shall take effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper and timely procedure establishing the appropriation measure, 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. 064-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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

2021 APPROPRIATION BUDGET -WORKING DRAFT

Working Draft

	PRIMARY DEPT. for BUDGET	2020 REVISED PROJ. BUDGET	===== 2021 REQUESTED BUDGET =====			2021 FUND TOTAL
			PERSONAL SERVICES	OTHER	TOTAL	
<u>100 GENERAL FUND</u>						
1100 City Council/Legislative	1100	50,879.95	43,005.57	13,445.00	56,450.57	
1200 Mayor/Executive	1200	17,442.02	17,879.81	3,700.00	21,579.81	
1300 City Manager/Administrative	1300	354,961.42	361,341.66	66,660.00	428,001.66	
1370 City Manager/Human Resources	1370	101,824.61	101,058.52	18,630.00	119,688.52	
1400 Law Director/Administrative	1400	276,334.70	246,604.62	40,172.00	286,776.62	
1500 Finance/Administrative	1500	413,821.12	310,511.42	98,760.00	409,271.42	
1520 Finance/Utility Billing	1500	217,522.61	143,972.78	95,011.00	238,983.78	
1600 Information Systems/Administrative	1600	188,321.62	171,063.97	62,529.00	233,592.97	
1700 Engineering/City Engineer	1700	288,539.54	246,128.93	52,558.35	298,687.28	
1800 Municipal Court/Judicial	1800	541,663.89	515,864.49	101,430.22	617,294.71	
1900 General Government/Miscellaneous	1300 & 1500	169,744.00	0.00	187,612.00	187,612.00	
2100 Police/Safety Services	2100	1,870,957.40	1,777,140.03	270,182.42	2,047,322.45	
2101 Police/Code Enforcement	2100	42,570.40	39,208.85	9,400.00	48,608.85	
2102 Police/SRO	2100	104,729.80	105,124.22	11,320.00	116,444.22	
2103 Police/K9	2100	101,273.43	101,210.10	7,270.00	108,480.10	
2200 Fire/Safety Services	2200	1,267,923.42	1,114,573.47	174,735.01	1,289,308.48	
4700 Cemetery/Operations	4100	118,744.74	111,069.82	27,023.78	138,093.60	
5130 Service/Buildings, Properties, Equipment	1700 & 5100	89,450.84	90,866.54	17,170.00	108,036.54	
9800 Reimbursements-Shared Expense	1500	25,500.00	0.00	65,566.81	65,566.81	
9900 Transfer Accounts	1500	217,987.00	0.00	53,106.00	53,106.00	
Total - 100 General Fund		6,460,192.51	5,496,624.78	1,376,281.59	6,872,906.37	\$6,872,906.37
<u>101 GENERAL FUND-RESERVE BALANCE FUND</u>						
1900 General Government/Miscellaneous	1300 & 1500	0.00	0.00	0.00	0.00	\$0.00
<u>123 SPECIAL EVENTS FUND (223)</u>						
1900 General Government/Miscellaneous	1300 & 1500	0.00	0.00	10,970.00	10,970.00	\$10,970.00
<u>130 ECONOMIC DEVELOPMENT FUND (230)</u>						
3500 Economic Development	1300 & 1500 3500	37,400.00	0.00	39,000.00	39,000.00	\$39,000.00
<u>147 UNCLAIMED MONIES FUND</u>						
9400 Unclaimed Monies Agency Accounts	1500	500.00	0.00	500.00	500.00	
9900 Transfer Accounts	1500	1,464.00	0.00	2,500.00	2,500.00	
Total - 147 Unclaimed Monies Fund		1,964.00	0.00	3,000.00	3,000.00	\$3,000.00
<u>170 MUNICIPAL INCOME TAX FUND</u>						
1510 Finance/Income Tax Collection	1500	268,902.53	141,002.41	210,139.00	351,141.41	
9900 Transfer Accounts	1500	3,857,692.00	0.00	3,898,859.00	3,898,859.00	
Total - 170 Municipal Income Tax Fund		4,126,594.53	141,002.41	4,108,998.00	4,250,000.41	\$4,250,000.41
<u>180 KWH TAX (GF) COLLECTION FUND</u>						
9800 Reimbursements-Shared Expense	1500	142,048.00	0.00	121,850.00	121,850.00	
9900 Transfer Accounts	1500	330,765.00	0.00	378,150.00	378,150.00	
Total - 180 kWh Tax (GF) Collection Fund		472,813.00	0.00	500,000.00	500,000.00	\$500,000.00
<u>195 LAW LIBRARY FUND</u>						
1800 Municipal Court/Judicial	1500	5,180.00	0.00	7,500.00	7,500.00	
9900 Transfer Accounts	1500	5,180.00	0.00	7,500.00	7,500.00	
Total - 195 Law Library Fund		10,360.00	0.00	15,000.00	15,000.00	\$15,000.00
<u>200 STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND</u>						
5100 Service/Streets Maintenance and Properties	1700 & 5100	333,998.38	257,426.60	204,010.00	461,436.60	
5110 Service/Ice and Snow Removal	1700 & 5100	49,900.00	32,000.00	103,050.00	135,050.00	
5120 Service/Storm Drainage	1700 & 5100	5,800.00	11,000.00	8,500.00	19,500.00	
Total - 200 Street (SCM&R) Fund		389,698.38	300,426.60	315,560.00	615,986.60	\$615,986.60
<u>201 STATE HIGHWAY IMPROVEMENT FUND</u>						
5100 Service/Streets Maintenance and Properties	1700 & 5100	23,000.00	0.00	31,400.00	31,400.00	\$31,400.00

2021 APPROPRIATION BUDGET -WORKING DRAFT

<i>Working Draft</i>		PRIMARY DEPT. for BUDGET	2020 REVISED PROJ. BUDGET	===== 2021 REQUESTED BUDGET =====			2021 FUND TOTAL
				PERSONAL SERVICES	OTHER	TOTAL	
<u>202 MUNICIPAL (50%) MV LICENSE TAX FUND</u>							
5100 Service/Streets Maintenance and Properties	1700 & 5100		0.00	0.00	25,000.00	25,000.00	\$25,000.00
			=====	=====	=====	=====	
<u>203 MUNICIPAL (100%) MV LICENSE TAX FUND</u>							
5100 Service/Streets Maintenance and Properties	1700 & 5100		23,450.00	0.00	189,000.00	189,000.00	
9900 Transfer Accounts	1500					0.00	
Total - 203 Municipal (100%) MV License Tax Fund			23,450.00	0.00	189,000.00	189,000.00	\$189,000.00
			=====	=====	=====	=====	
<u>204 COUNTY MV LICENSE PERMISSIVE TAX FUND</u>							
5100 Service/Streets Maintenance and Properties	1700 & 5100		9,040.00	0.00	32,000.00	32,000.00	\$32,000.00
			=====	=====	=====	=====	
<u>210 EMS TRANSPORT SERVICE FUND</u>							
2200 Fire/Safety Services	2200		184,600.00	0.00	199,200.00	199,200.00	
9800 Reimbursements-Shared Expense	1500		205,000.00	0.00	205,000.00	205,000.00	
9900 Transfer Accounts	1500		30,240.00	0.00	31,680.00	31,680.00	
Total - 210 EMS Transport Service Fund			419,840.00	0.00	435,880.00	435,880.00	\$435,880.00
			=====	=====	=====	=====	
<u>220 RECREATION FUND</u>							
4100 Parks/Administrative	4100		124,762.07	127,527.02	8,375.92	135,902.94	
4200 Recreation/Golf Operating	4100		262,004.51	165,715.25	137,594.04	303,309.29	
4300 Recreation/Pool Operating	4100		2,739.82	46,980.00	75,527.81	122,507.81	
4400 Recreation/Programs	4100		430,790.45	291,997.79	199,401.73	491,399.52	
Total - 220 Recreation Fund			820,296.85	632,220.05	420,899.50	1,053,119.55	\$1,053,119.55
			=====	=====	=====	=====	
<u>221 NAPOLEON AQUATIC CENTER FUND</u>							
4300 Recreation/Pool Operating	4100		1,106,424.00	0.00	3,926,027.00	3,926,027.00	\$3,926,027.00
			=====	=====	=====	=====	
<u>224 SHELTERHOUSE REPAIR FUND</u>							
4400 Recreation/Programs	4100		0.00	0.00	0.00	0.00	\$0.00
			=====	=====	=====	=====	
<u>227 NAPOLEON CEMETERY TRUST FUND</u>							
4700 Cemetery/Grounds	4100		5,200.00	0.00	6,000.00	6,000.00	\$6,000.00
			=====	=====	=====	=====	
<u>240 HOTEL/MOTEL TAX FUND</u>							
3800 Travel and Tourism	1500		30,000.00	0.00	50,000.00	50,000.00	
9900 Transfer Accounts	1500		30,000.00	0.00	50,000.00	50,000.00	
Total - 240 Hotel Motel Tax Fund			60,000.00	0.00	100,000.00	100,000.00	\$100,000.00
			=====	=====	=====	=====	
<u>242 FIRE EQUIPMENT FUND</u>							
2200 Fire/Safety Services	2200		285,000.00	0.00	49,100.00	49,100.00	\$49,100.00
			=====	=====	=====	=====	
<u>243 REFUND-FIRE LOSS FUND</u>							
1900 General Government/Miscellaneous	1500 & 1700		0.00	0.00	76,000.00	76,000.00	\$76,000.00
			=====	=====	=====	=====	
<u>250 LOCAL CORONA RELIEF</u>							
1300 City Manager	1300		601,161.00	0.00	0.00	0.00	\$0.00
			=====	=====	=====	=====	
<u>261 CDBG PROGRAM INCOME FUND</u>							
3300 Contracts-Grt.Srv.-MVPLN	1300 & 1500		60,000.00	0.00	25,000.00	25,000.00	\$25,000.00
			=====	=====	=====	=====	
<u>270 INDIGENT DRIVERS ALCOHOL FUND</u>							
1800 Municipal Court/Judicial	1800		2,500.00	0.00	25,000.00	25,000.00	\$25,000.00
			=====	=====	=====	=====	
<u>271 LAW ENFORCEMENT & EDUCATION FUND</u>							
2100 Police/Safety Services	2100		3,000.00	0.00	2,900.00	2,900.00	\$2,900.00
			=====	=====	=====	=====	
<u>272 COURT COMPUTERIZATION FUND</u>							
1800 Municipal Court/Judicial			10,500.00	0.00	12,960.00	12,960.00	
9800 Reimbursements-Shared Expense	1500 & 1800		10,000.00	0.00	10,000.00	10,000.00	
Total - 272 Court Computerization Fund			20,500.00	0.00	22,960.00	22,960.00	\$22,960.00
			=====	=====	=====	=====	

2021 APPROPRIATION BUDGET -WORKING DRAFT

<i>Working Draft</i>	PRIMARY DEPT. for BUDGET	2020 REVISED PROJ. BUDGET	===== 2021 REQUESTED BUDGET =====			2021 FUND TOTAL
			PERSONAL SERVICES	OTHER	TOTAL	
<u>273 LAW ENFORCEMENT TRUST FUND</u>						
2100 Police/Safety Services	2100	0.00	0.00	1,000.00	1,000.00	\$1,000.00
=====						
<u>274 MANDATORY DRUG FINE FUND</u>						
2100 Police/Safety Services	2100	3,000.00	3,000.00	3,000.00	6,000.00	\$6,000.00
=====						
<u>275 MUNICIPAL PROBATION SERVICE FUND</u>						
1810 Municipal Court/Probation	1500 & 1800	27,376.08	29,022.83	12,000.00	41,022.83	\$41,022.83
=====						
<u>276 LAW ENFORCEMENT BLOCK GRANT FUND</u>						
2100 Police/Safety Services	2100	0.00	0.00	0.00	0.00	\$0.00
=====						
<u>277 PROBATION OFFICERS GRANT FUND</u>						
1810 Municipal Court/Probation	1500 & 1800	48,289.40	48,288.97	0.00	48,288.97	\$48,288.97
=====						
<u>278 COURT IMPROVEMENT FUND</u>						
1800 Municipal Court/Judicial	1500 & 1800	69,000.00	0.00	66,800.00	66,800.00	\$66,800.00
=====						
<u>279 HANDICAP PARKING FINE FUND</u>						
1800 Municipal Court/Judicial	1800	0.00	0.00	0.00	0.00	\$0.00
=====						
<u>280 CERTIFIED POLICE TRAINING FUND</u>						
2100 Police/Safety Services	2100	0.00	5,000.00	500.00	5,500.00	\$5,500.00
=====						
<u>281 INDIGENT DRIVERS INTERLOCK & ALCOHOL MONITORING FUND</u>						
1800 Municipal Court/Judicial	1800	1,500.00	0.00	5,000.00	5,000.00	\$5,000.00
=====						
<u>288 JUSTICE REINVESTMENT INCENTIVE GRANT FUND</u>						
1810 Municipal Court/Probation	1500 & 1800	12,625.00	18,322.20	888.00	19,210.20	\$19,210.20
=====						
<u>290 POLICE PENSION FUND</u>						
2100 Police/Safety Services	1500 & 2100	89,006.34	0.00	90,196.00	90,196.00	\$90,196.00
=====						
<u>291 FIRE PENSION FUND</u>						
2200 Fire/Safety Services	1500 & 2200	44,496.18	0.00	45,097.00	45,097.00	\$45,097.00
=====						
<u>295 IRS 125 BENEFITS PLAN FUND</u>						
1900 General Government/Miscellaneous	1500	4,955.00	0.00	5,000.00	5,000.00	\$5,000.00
=====						
<u>300 GENERAL BOND RETIREMENT FUND</u>						
8100 General Obligation Debt Service	1500	60,851.00	0.00	102,341.47	102,341.47	\$102,341.47
=====						
<u>310 SA BOND RETIREMENT FUND</u>						
8500 Special Assessment Debt Services	1500	12,646.00	0.00	1,000.00	1,000.00	\$1,000.00
=====						
<u>400 CAPITAL IMPROVEMENT FUND</u>						
1100 City Council/Legislative	1100	0.00	0.00	0.00	0.00	
1300 City Manager/Administrative	1300	50,000.00	0.00	75,000.00	75,000.00	
1370 City Manager/Human Resources	1370	0.00	0.00	0.00	0.00	
1400 Law Director/Administrative	1400	0.00	0.00	2,000.00	2,000.00	
1500 Finance/Administrative	1500	0.00	0.00	0.00	0.00	
1600 Information Systems/Administrative	1600	40,000.00	0.00	6,900.00	6,900.00	
1700 Engineering/City Engineer	1700	17,100.00	0.00	52,000.00	52,000.00	
1800 Municipal Court/Judicial	1800	2,525.00	0.00	6,730.00	6,730.00	
1801 Municipal Court/COVID Grant	1801	3,379.00	0.00	23,492.00	23,492.00	
2100 Police/Safety Services	2100	131,912.00	0.00	207,280.00	207,280.00	
2102 Police/School Resource Officer	2100	2,200.00	0.00	3,000.00	3,000.00	
2103 Police/K9	2100	2,500.00	0.00	2,000.00	2,000.00	
2200 Fire/Safety Services	2200	100,000.00	0.00	31,000.00	31,000.00	
3100 Building Inspections/Zoning & Planning	3100	0.00	0.00	0.00	0.00	
4200 Recreation/Golf Operating	4100	23,700.00	0.00	0.00	0.00	
4300 Recreation/Pool Operating	4100	0.00	0.00	17,000.00	17,000.00	
4400 Recreation/Programs	4100	0.00	0.00	15,000.00	15,000.00	
4700 Cemetery/Grounds	4100	0.00	0.00	11,000.00	11,000.00	
5100 Service/Streets Maintenance and Properties	1700 & 5100	3,191,504.60	0.00	2,341,000.00	2,341,000.00	
5500 Service/Garage Rotary	1700 & 5100	0.00	0.00	0.00	0.00	
9900 Transfer Accounts	1500	102,010.00	0.00	112,820.00	112,820.00	
Total - 400 Capital Improvement Fund		3,666,830.60	0.00	2,906,222.00	2,906,222.00	\$2,906,222.00
=====						

2021 APPROPRIATION BUDGET -WORKING DRAFT

<i>Working Draft</i>		PRIMARY DEPT. for BUDGET	2020 REVISED PROJ. BUDGET	===== 2021 REQUESTED BUDGET =====			2021 FUND TOTAL
				PERSONAL SERVICES	OTHER	TOTAL	
<u>401 CIP FUNDING RESERVE FUND</u>							
1900	General Government/Miscellaneous	1300 & 1500	0.00	0.00	0.00	0.00	\$0.00
=====							
<u>500 ELECTRIC UTILITY REVENUE FUND</u>							
1520	Finance/Utility Billing	1500	0.00	0.00	0.00	0.00	
6110	Electric/Operations, Distribution System	6110	2,150,781.44	1,410,089.78	1,517,110.91	2,927,200.69	
6111	Electric/Purchased Power	1500 & 6110	13,659,000.00	0.00	13,800,000.00	13,800,000.00	
9800	Reimbursement Accounts-Shared Expenses	1500	783,027.00	0.00	954,605.00	954,605.00	
9900	Transfer Accounts	1500	472,813.00	0.00	500,000.00	500,000.00	
Total - 500 Electric Utility Revenue Fund			17,065,621.44	1,410,089.78	16,771,715.91	18,181,805.69	\$18,181,805.69
=====							
<u>503 ELECTRIC DEVELOPMENT FUND</u>							
6110	Electric/Operations, Distribution System	6110	66,036.69	0.00	193,000.00	193,000.00	
9900	Transfer Accounts	1500	0.00	0.00	0.00	0.00	
Total - 503 Electric Development Fund			66,036.69	0.00	193,000.00	193,000.00	\$193,000.00
=====							
<u>510 WATER REVENUE FUND</u>							
1520	Finance/Utility Billing	1500	0.00	0.00	0.00	0.00	
6200	Water/Treatment Plant Operations	6200	1,895,180.94	612,767.23	1,396,545.58	2,009,312.81	
6210	Water/Distribution System	1700 & 5100	607,763.78	531,569.15	190,228.52	721,797.67	
9800	Reimbursement Accounts-Shared Expenses	1500	428,556.00	0.00	482,095.00	482,095.00	
9900	Transfer Accounts	1500	1,095,233.00	0.00	1,208,780.00	1,208,780.00	
Total - 510 Water Revenue Fund			4,026,733.72	1,144,336.38	3,277,649.10	4,421,985.48	\$4,421,985.48
=====							
<u>511 WATER DEPRECIATION RESERVE FUND</u>							
6210	Water/Distribution System	1700 & 5100 6200	322,000.00	0.00	355,600.00	355,600.00	\$355,600.00
=====							
<u>512 WATER DEBT RESERVE FUND</u>							
8300	Revenue Funds Debt Services	1500	77,169.00	0.00	79,094.00	79,094.00	\$79,094.00
=====							
<u>513 OWDA BOND RETIREMENT FUND</u>							
8300	Revenue Funds Debt Services	1500	22,437.00	0.00	22,552.00	22,552.00	\$22,552.00
=====							
<u>519 WATER PLANT IMPROVEMENT FUND</u>							
6200	Water/Treatment Plant Operations	1700 & 6200	2,887,715.00	0.00	2,933,556.33	2,933,556.33	
9900	Transfer Accounts	1500				0.00	
Total - 519 Water Plant Improvement Fund			2,887,715.00	0.00	2,933,556.33	2,933,556.33	\$2,933,556.33
=====							
<u>520 SEWER (WWT) UTILITY REVENUE FUND</u>							
1520	Finance/Utility Billing	1500	0.00	0.00	0.00	0.00	
6300	Sewer(WWT)/Treatment Plant Operations	6300	1,523,479.41	680,890.14	1,208,634.25	1,889,524.39	
6310	Sewer(WWT)/Collection System	1700 & 5100	115,724.13	74,201.59	106,825.11	181,026.70	
6311	Sewer(WWT)/Cleaning & Improvements	1700 & 5100	165,240.07	192,332.96	34,350.00	226,682.96	
9800	Reimbursement Accounts-Shared Expenses	1500	468,998.00	0.00	562,709.00	562,709.00	
9900	Transfer Accounts	1500	2,264,400.00	0.00	2,344,558.00	2,344,558.00	
Total - 520 Sewer (WWT) Uty. Revenue Fund			4,537,841.61	947,424.68	4,257,076.36	5,204,501.05	\$5,204,501.05
=====							
<u>521 SEWER (WWT) UTILITY REP. & IMP. FUND</u>							
6310	Sewer(WWT)/Collection System	1700 & 5100 6300	2,455,792.00	0.00	10,933,410.00	10,933,410.00	\$10,933,410.00
=====							
<u>522 SEWER (WWT) UTILITY RESERVE FUND</u>							
8300	Revenue Funds Debt Services	1500	422,695.00	0.00	472,694.00	472,694.00	\$472,694.00
=====							
<u>523 OWDA SA DEBT RETIREMENT FUND</u>							
8600	Special Assessment Debt Services (OWDA)	1500	106,205.00	0.00	106,629.00	106,629.00	\$106,629.00
=====							
<u>532 WILLIAMS PUMP STATION IMPROVEMENT PROJECT FUND</u>							
6310	Sewer(WWT)/Collection System	1700	1,293,554.00	0.00	101,872.00	101,872.00	\$101,872.00
=====							

2021 APPROPRIATION BUDGET -WORKING DRAFT

Working Draft

	PRIMARY DEPT. for BUDGET	2020 REVISED PROJ. BUDGET	===== 2021 REQUESTED BUDGET =====			2021 FUND TOTAL
			PERSONAL SERVICES	OTHER	TOTAL	
<u>560 SANITATION (REFUSE) REVENUE FUND</u>						
1520 Finance/Utility Billing	1500	0.00	0.00	0.00	0.00	
6400 Sanitation(Refuse)/Collection and Disposal	1700 & 5100	300,653.67	207,114.34	139,626.86	346,741.20	
6410 Sanitation(Refuse)/SRS-Unlimited Pickup Pr	1700 & 5100	60,610.00	0.00	70,850.00	70,850.00	
6411 Sanitation(Refuse)/SRS-Yard Waste Site	1700 & 5100	78,400.00	0.00	64,950.00	64,950.00	
6412 Sanitation(Refuse)/SRS-Mosquito Control	1700 & 5100	52,000.00	0.00	82,340.00	82,340.00	
6420 Sanitation(Refuse)/Recycling Programs	1700 & 5100	176,100.02	138,429.11	67,280.15	205,709.26	
9800 Reimbursement Accounts-Shared Expenses	1500	152,732.00	0.00	237,205.17	237,205.17	
9900 Transfer Accounts	1500	48,300.00	0.00	48,300.00	48,300.00	
Total - 560 Sanitation(Refuse) Revenue Fund		868,795.69	345,543.44	710,552.18	1,056,095.62	\$1,056,095.62
<u>561 SANITATION (REFUSE) DEPRECIATION RESERVE FUND</u>						
6400 Sanitation(Refuse)/Collection and Disposal	1700 & 5100	3,000.00	0.00	5,000.00	5,000.00	\$5,000.00
<u>580 METER DEPOSITS (ELECTRIC & WATER) FUND</u>						
6500 Meter Deposits/Unapplied Cash	1500	19,263.00	0.00	30,000.00	30,000.00	\$30,000.00
<u>600 CENTRAL GARAGE ROTARY FUND</u>						
5200 Service/Central Garage	1700 & 5100	244,951.89	183,716.44	83,395.62	267,112.06	
5600 Service/Fuel Rotary	1700 & 5100	44,000.00	0.00	66,950.00	66,950.00	
	1500					
Total - 600 Central Garage Rotary Fund		288,951.89	183,716.44	150,345.62	334,062.06	\$334,062.06
* GRAND TOTAL - ALL FUNDS		53,442,820.91	10,705,018.57	55,375,767.06	66,080,785.63	\$66,080,785.63

ADDITIONAL CHANGES FROM COUNCIL BUDGET MEETINGS -NOVEMBER 6TH AND 7TH

Fund 100

100.1900.53900 Bank Servicing Fees	Added	\$	3,000.00	Minimum from PNC for Investments -.01% of total
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Fund 221

221.4300.58600 Interest Note	Added	\$	15,000.00	Interest for Note due on Pool
221.4300.57200 Buildings & Improvements	Added	\$	<u>14,063.00</u>	Additional -Estimated remaining project
	TOTAL	\$	29,063.00	

Fund 400

400.1801.57000 Machinery & Equipment	Reduced	\$	(6,042.49)	Grant approved and encumbering/expensing
400.1801.57200 Buildings & Improvement	Reduced	\$	<u>(20,837.00)</u>	Grant approved and encumbering/expensing
	TOTAL	\$	(26,879.49)	

Fund 521

521.6310.57800 Sanitary Sewer Improvements	Added	\$	1,625,000.00	Pass through for VanHyning Pump Station-our asset so show in books; increase revenue estimate for same amount
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Fund 522

522.8800.58400 Principal Payment -OPWC	Added	\$	25,000.00	Not able to pay in 2020 due to COVID -OPWC suspended
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DRAFT Budget 11/16/20	\$	64,425,602
Less Net of Changes	\$	<u>1,655,184</u>
New DRAFT Budget 11/30/20	\$	66,080,786

Not included yet:

Any increase above 2% for Law Director, City Manager and Finance Director
 Any amount above \$1,000 lump sum not on base for Public Works Director

RESOLUTION NO. 065-20

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2021, LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter; and,

WHEREAS, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; **Now Therefore**,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2021 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of expenses, 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 Resolution No. 065-20 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.

Roxanne Dietrich, Clerk of Council

2021 APPROPRIATION BUDGET - TRANSFER OF FUNDS**RESOLUTION No. 0-20****BUDGET REVIEW - 2021 TRANSFER OF FUNDS****TRANSFER AMOUNTS**

<u>FUND NAME, FROM - TO, PURPOSE</u>	<u>FROM</u>	<u>TO</u>
FROM: 100 GENERAL FUND	\$0	
TO: 101 GENERAL RESERVE BALANCE FUND		\$0
Purpose: Move Excess Reserves in 100 General Fund to 101 General Reserve Balance Fund.		
FROM: 100 GENERAL FUND	\$10,970	
TO: 123 SPECIAL EVENTS FUND		\$10,970
Purpose: Subsidize Fall Festival and other events as sponsored through the Chamber of Commerce.		
FROM: 100 GENERAL FUND	\$39,000	
TO: 130 ECONOMIC DEVELOPMENT FUND		\$39,000
Purpose: Subsidize the Economic Development Fund programs due to insufficient funds in the 130 ED Fund.		
FROM: 100 GENERAL FUND	\$0	
TO: 200 SCM&R FUND		\$0
Purpose: Subsidize the 200 SCM&R Fund due to an Original Estimated Shortfall in the 200 SCM&R Fund.		
FROM: 100 GENERAL FUND	\$3,136	
TO: 295 IRS 125 EMPLOYEE FRINGE BENEFITS FUND		\$3,136
Purpose: Subsidize Administrative Expenditures of Employee 125 Flexible Spending Benefits Fund.		
FROM: 100 GENERAL FUND	\$0	
TO: 600 CENTRAL ROTARY CHARGES FUND		\$0
Purpose: Subsidize Operating Expenditures of Central Garage Rotary Charges Fund.		
FROM: 147 UNCLAIMED MONIES FUND	\$2,500	
TO: 100 GENERAL FUND		\$2,500
Purpose: Payment of Unclaimed Funds back to the 100 General Fund.		
FROM: 170 MUNICIPAL INCOME TAX FUND	\$2,099,281	
TO: 100 GENERAL FUND		\$2,099,281
Purpose: Net Transfer (65%) of Income Tax Receipts to 100 General Fund -Estimated		
FROM: 170 MUNICIPAL INCOME TAX FUND	\$566,667	
TO: 220 RECREATION FUND		\$566,667
Purpose: Transfer of Income Tax Levy Receipts to 220 Recreation Fund -Estimated		
FROM: 170 MUNICIPAL INCOME TAX FUND	\$1,232,911	
TO: 400 CAPITAL IMPROVEMENT FUND		\$1,232,911
Purpose: Net Transfer (35%) of Income Tax Receipts to 400 CIP Fund-Estimated		

2021 APPROPRIATION BUDGET - TRANSFER OF FUNDS**RESOLUTION No. 0-20****BUDGET REVIEW - 2021 TRANSFER OF FUNDS****TRANSFER AMOUNTS**

<u>FUND NAME, FROM - TO, PURPOSE</u>	<u>FROM</u>	<u>TO</u>
FROM: 180 KWH TAX COLLECTION (GF) FUND TO: 100 GENERAL FUND Purpose: Transfer of Net Balance of KWH Tax Funds into the General Fund-Estimated	\$378,150	\$378,150
FROM: 195 LAW LIBRARY FUND TO: 100 GENERAL FUND Purpose: Transfer of City Share for Highway Patrol Fine Monies per ORC.	\$7,500	\$7,500
FROM: 210 EMS TRANSPORT SERVICE FUND TO: 242 FIRE EQUIPMENT FUND Purpose: City Share of Township Contract (80%) for a Total of \$110,000, Funded \$31,680 from 210 Fund & \$56,320 from 400 Fund.	\$31,680	\$31,680
FROM: 240 HOTEL-MOTEL TAX FUND TO: 100 GENERAL FUND Purpose: City's Net Share of Total Collections (50%) on a 6% Rate, per Ordinance to 100 General Fund; balance to Chamber Tourist Bureau.	\$50,000	\$50,000
FROM: 400 CAPITAL IMPROVEMENT FUND TO: 242 FIRE EQUIPMENT FUND Purpose: City Share of Township Contract (80%) for a Total of \$110,000, Funded \$31,680 from 210 Fund & \$56,320 from 400 Fund.	\$56,320	\$56,320
FROM: 400 CAPITAL IMPROVEMENT FUND TO: 300 GENERAL BOND RETIREMENT FUND Purpose: Retirement of General Bond Obligation Debt.	\$56,500	\$56,500
FROM: 500 ELECTRIC REVENUE FUND TO: 180 KWH TAX COLLECTION (GF) FUND Purpose: Transfer to 180 kWH (GF Equivalent) Tax Fund, 100 General Fund share of kWH Tax.	\$500,000	\$500,000
FROM: 500 ELECTRIC REVENUE FUND TO: 503 ELECTRIC DEVELOPMENT FUND Purpose: Funding Reserves for Current and Future Capital Purchases.	\$0	\$0
FROM: 510 WATER REVENUE FUND TO: 511 WATER DEPRECIATION FUND Purpose: Funding for Proposed Projects out of the 511 Water Depreciation Fund.	\$455,600	\$455,600

ORDINANCE NO. 066-20

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

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

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

“193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2021, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

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

(2) Not more than sixty-three percent (63%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty-seven percent (37%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2022 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

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

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

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

Section 2. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2020 at 11:59 PM.

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

“194.013 ALLOCATION OF FUNDS.

(A) Effective January 1, 2021, the funds collected under the provisions of this Chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

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

(2) Not more than sixty-three percent (63%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty-seven percent (37%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(B) Effective January 1, 2022 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

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

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

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

Section 4. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2020 at 11:59 PM.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 7. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for passage before the deadline; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for timely allocation of funds, 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. 066-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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. 068-20

**A RESOLUTION AUTHORIZING A CONTRIBUTION TO THE
COMMUNITY IMPROVEMENT CORPORATION OF HENRY
COUNTY, OHIO, IN AND FOR THE YEAR 2021; 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 2021;
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-nine thousand dollars (\$39,000) in and for the year 2021 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 2021.

Section 4. That, Resolution Number 102-19 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. 068-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____; 2020; & 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. 069-20

AN ORDINANCE APPORTIONING THE EXPENSES INCURRED INCLUDING WAGES, SALARIES AND FRINGE BENEFITS OF THE MAYOR, COUNCIL, AND VARIOUS OTHER DEPARTMENTS OF THE CITY OF NAPOLEON WHICH ARE NOT OTHERWISE DIRECTLY CHARGED TO SPECIAL AND/OR CAPITAL PROJECTS AMONG VARIOUS ACCOUNTS EFFECTIVE JANUARY 1, 2021; AMENDING ORDINANCE NO.(S) 104-09 AND 087-19; AND DECLARING AN EMERGENCY

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

Section 1. That, the expenses incurred, including wages, salary and fringe benefits of the Mayor, City Council, and various departments within the City as found in Exhibit "A," that are not otherwise directly charged to special and/or capital projects, shall be apportioned among the funds using the direct reimbursement method as found in attached Exhibit "A" which is made part of this Ordinance.

Section 2. That, the City Finance Director is directed to adjust the affected funds (retroactive if necessary) effective January 1, 2021 to accomplish the intent of this Ordinance.

Section 3. That, Ordinance No.(s) 104-09 and 087-19 are hereby amended.

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, 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.069-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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. 054-20

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 955 OF THE CODIFIED CODE OF ORDINANCES OF
THE CITY OF NAPOLEON, OHIO, SPECIFICALLY SECTION
955.16, REGARDING CURRENT MUNICIPAL SWIMMING POOL
ADMISSION RATES, ALSO ADDING SECTION 955.16(G)
REGARDING CORPORATE MEMBERSHIP POOL ADMISSION
RATES**

WHEREAS, the Parks and Recreation Board met on September 30, 2020 and, in order to continue to provide the opportunity for area residents to use City owned recreational facilities, determined it appropriate to amend certain municipal swimming pool admission rates for the year 2021; and,

WHEREAS, the City of Napoleon’s Parks and Recreation Committee met on October 19, 2020 and concurred with the Parks and Recreations Board’s determination that municipal swimming pool admission rates for 2021 should be amended; and,

WHEREAS, this Council has considered all recommendations, and now deems appropriate that municipal swimming pool admission rates as listed below shall be amended commencing in the year 2021; **Now Therefore**,

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

Section 1. That, Section 955.16 of the Codified Code of Ordinances of the City of Napoleon, Ohio shall remain as currently written with the amendment of the following language, amending and enacting Section 955.16:

“955.16 SWIMMING POOL ADMISSION.

For the purposes of Section 955.16 of the City of Napoleon Codified Ordinances only, Resident shall be defined as an individual or family residing in the City of Napoleon Corporation limits, not the definition listed in Section 955.02, stating “Resident” means a person living in the corporate limits of the City or a payer of City income tax. (For the purpose of this definition, a payer of City income tax will mean one who currently pays the full established rate of City income tax or paid the full established rate of City income tax within the preceding twelve-month period (unless the payer was exempted due to an alternate City tax policy of the City); one living within the corporate limits will mean one who has the City as his or her place of domicile; further, when a child is a participant, the consideration of being a resident or non-resident shall be determined by the status of the parent or legal guardian of the participant that pays any applicable participation or activity fee.

(a) The annual swim admission card for the Municipal Swimming Pool shall be as follows:

(1) Family (up to five (5) members) annual swim admission card fee:

Resident:	\$100.00
Nonresident:	\$125.00 -\$200.00

(2) Additional family members annual swim admission card fee:

Resident: \$10.00
Nonresident: \$30.00

(3) Adult individual annual swim admission card fee:

Resident: \$70.00 -\$60.00
Non-resident: \$80.00 -\$100.00

(4) Child individual annual swim admission card:

Resident: \$60.00 -\$50.00
Non-resident: \$70.00 -\$85.00

(5) Senior citizen annual swim admission card fee:

Resident: \$50.00
Non-resident: \$60.00 -\$75.00

(6) Child Care Provider annual swim admission card fee:

Resident: \$50.00
Non-resident: \$60.00

(b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:

(1) Daily admission fee for children:

Resident - \$2.50 each. \$3.00
Non-resident - \$5.00

Children aged three years old and younger:

Resident - free
Non-resident - free

Ten (10) visit pass for children:

Resident - \$27.00
Non-resident - \$45.00

(2) Daily admission fee for adults:

Resident - \$3.00 -\$4.00
Non-Resident - \$6.00

Ten (10) visit pass for adults:

Resident - \$36.00
Non-resident - \$54.00

Daily admission fee for senior citizens (aged 65 and older):

Resident - \$3.00
Non-resident - \$5.00

Ten (10) visit pass for senior citizens:

Residents - \$27.00
Non-residents - \$45.00

(c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.

(d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.

(e) Pool facility exclusive use rental under terms and conditions and times as authorized by the Parks and Recreation Director (subject to specific approval and terms as set by the Parks and Recreation Director; additionally, Parks and Recreation Director reserves the right to deny rental for any reason):

(1) Saturday or Sunday evening from 6-9 p.m. ~~\$150.00~~

Resident - \$250.00
Non-resident - \$400.00

(2) All day Friday, Saturday, and Sunday: ~~\$500.00~~

Resident - \$750.00
Non-resident – not available

(f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates.

~~(Ord. 002-13. Passed 2-4-13.)~~

(g) In order to provide an opportunity for area employers to offer healthy recreational activities for their employees and families, a Corporate Membership rate shall be created per the following:

i. The Corporate Membership will be available for eligible employees, and up to four (4) additional immediate family members. (Immediate family members for this section are defined as spouse and children living in the same household.)

ii. The Corporate Membership will be available to companies located within the Napoleon Corporation limits, and only to employees that work at locations within the Napoleon Corporation limits.

iii. The Corporate Membership will be available for eligible employees of a company that has purchased a Corporate Membership; the company shall provide a list of eligible employees prior to the start of the pool season. The Corporate Membership must be paid in full before the usage is permitted.

iv. Employees must display a valid membership badge issued by the City of Napoleon to verify eligibility and admission.

v. Family members of employees are not included as part of the corporate membership privileges, unless eligible as defined in section (g)(i) of the Ordinance.

vi. Corporate memberships are valid from Memorial Day (or on the first day of pool opening) through Labor Day (or pool closing) of each season.

vii. The following table establishes the fees for a Corporate Membership to the employer, based on number of employees:

Number of Employees	Annual Fee
25 and under	\$2,000.00
26 - 50	\$3,500.00
51 - 100	\$5,000.00
101 - 150	\$7,500.00
Over 150	\$10,000.00

Section 2. That, this Ordinance No. 054-20 amends Ordinance No. 002-13 so as to incorporate and adopt all identified changes noted herein. The remaining, unchanged portions of Ordinance No. 002-13 shall remain in full force and effect as existed and now include the above amended and enacted language regarding Section 955.16.

Section 3. 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 4. 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 5. 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 M. Dietrich, Clerk of Council

I, Roxanne M. Dietrich, interim Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 054-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ____ day of _____, 2020; & 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 M. Dietrich, Clerk of Council

RESOLUTION NO. 055-20

A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, AND MSG INVESTMENTS, LTD. WITHIN NAPOLEON CRA #6; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Reinvestment Area Program, pursuant to Ohio Revised Code Chapter 3735, authorizes the City to grant real property tax exemptions on eligible new investments; and,

WHEREAS, the City by Resolution 106-00 adopted on September 18, 2000 that designated an area (CRA 6) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735 and, with the adoption of Resolution No. 050-18 adopted September 4, 2018, enlarged the area; and,

WHEREAS, the Director of Development determined that the area so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development certified the area as a community reinvestment area known as Zone No. 069-53550-01 (the "Area"); and,

WHEREAS, MSG Investments, LTD. made application that will involve a total capital investment in real property currently estimated at \$2,554,755.00, plus or minus ten percent (10%), in development of new construction of twenty-four (24) residential units being 16,980 square feet, and appurtenances at the site located on parcel numbers 41-119045.0060, 41-119045.0040, and 41-119044.0060, Trail Drive, Napoleon, Ohio; and,

WHEREAS, it was recommended that MSG Investments, LTD. receive a fifty percent (50%) exemption for a period of ten (10) years on the eligible property for proposed real property improvements; and,

WHEREAS, the appropriate school(s) were provided with all legally-required notices; and,

WHEREAS, the Napoleon Area City School District Board of Education, either waived the timeliness of the notice requirement(s) and approved the proposed agreement or, timely received the notice(s) and made approval; **Now Therefore**,

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

Section 1. That, the City approves and consents to a certain Community Reinvestment Area Agreement with MSG Investments, LTD., in substantially the form as being currently on file with the City Finance Director, Agreement No. 2020-19, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

Section 2. That, the City Manager is both authorized and directed to execute the Community Reinvestment Area Agreement as referred to in Section 1 of this Resolution in the name of and on behalf of the City.

Section 3. 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 Ohio Revised Code Section 121.22 and the Codified Ordinances of the City of Napoleon, Ohio.

Section 4. That, if any prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect a the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the construction process in a timely manner, 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 Resolution No. 055-20 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 the 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. 056-20

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING SPECIFIC PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE, OR IN THE PROCESS OF BEING MADE, THAT DIRECTLY BENEFIT, OR THAT ONCE MADE WILL DIRECTLY BENEFIT, THE PARCELS FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, 5709.832 AND 5709.85; AND APPROVING COMPENSATION AGREEMENTS WITH THE BOARDS OF EDUCATION OF THE NAPOLEON AREA CITY SCHOOL DISTRICT AND THE LIBERTY CENTER LOCAL SCHOOL DISTRICT

WHEREAS, Ohio Revised Code (“R.C.”) Sections 5709.40(B), 5709.42 and 5709.43 provide that this Council of the City of Napoleon (the “City”) may declare any “improvement” (as defined R.C. Section 5709.40) to one or more parcels of real property located in the City to be a public purpose, thereby exempting those improvements from real property taxation for a period of time, specify public infrastructure improvements made, to be made, or in the process of being made that directly benefit, or that once made will directly benefit, those parcels, provide for the making of service payments in lieu of taxes by the owners thereof, provide for the distribution of the applicable portion of those service payments to the overlapping city, local or exempted village school districts and joint vocational school district, and establish a municipal public improvement tax increment equivalent fund into which the balance of such service payments are to be deposited; and,

WHEREAS, the real property shown in Exhibit A hereto and incorporated herein by reference (the “Property”) is located in the State of Ohio (the “State”), County of Henry (the “County”), and the City, with each parcel of the Property referred to herein as a “Parcel” (whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates); and,

WHEREAS, pursuant to R.C. Section 5709.40(D)(2), said exemption may be for up to one hundred percent (100%) of such improvement for up to thirty (30) years with agreed upon payments to the Napoleon Area City School District (the “Napoleon CSD”) and the Liberty Center Local School District (the “Liberty Center LSD” and collectively with the Napoleon CSD, the “School Districts”) and the Four County Career Center (the “JVSD”); and,

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of real property taxes (“Service Payments,” as further defined herein) with respect to the Property pursuant to R.C. Section 5709.42; and,

WHEREAS, the City desires to facilitate the completion of the public infrastructure improvements described in Exhibit B attached hereto and incorporated herein by this reference (the “Public Infrastructure Improvements”); and,

WHEREAS, notice of this proposed Ordinance has been delivered to each of the Boards of Education of the School Districts and the Board of Education of the JVSD in accordance with and within the time periods prescribed in R.C. Sections 5709.40 and 5709.83; and,

WHEREAS, pursuant to (a) Resolution No. R20:061, adopted on October 21, 2020, by the Napoleon CSD Board of Education and (b) Resolution No. 107-20, adopted October 26, 2020 by the Liberty Center LSD, the School Districts have approved the substance of this Ordinance and waived the notice requirements of R.C. Sections 5709.40(D) and 5709.83, contingent upon the execution of compensation agreements with the City (as further defined below, the “School Compensation Agreements”) pursuant to which the City would make semi-annual payments to the School Districts equal to 25% of real property taxes that the School Districts would have received from the Improvement had that Improvement not been exempted from real property taxation until such time as the Oakwood/American Project (as defined in the School Compensation Agreements) is complete, and thereafter 100% of real property taxes that the School Districts would have received from the Improvement had that Improvement not been exempted from real property taxation pursuant to this Ordinance; and,

WHEREAS, pursuant to R.C. Section 5709.40(D), if the City agrees to compensate the School Districts in connection with the exemption provided in this Ordinance, it also must provide compensation to the JVSD at the same rate and under the same terms as the compensation received by the School Districts; **Now Therefore**,

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

Section 1. That, the Public Infrastructure Improvements described in Exhibit B hereto made, to be made, or in the process of being made by the City are hereby designated as public infrastructure improvements that directly benefit, or once made will directly benefit, the Property.

Section 2. That, one hundred percent (100%) of the increase in the assessed value of the Property after the effective date of this Ordinance (which increase in assessed value is an “Improvement” as defined in R.C. Section 5709.40) shall be a public purpose and shall be exempt from real property taxation commencing on a Parcel-by-Parcel basis the earlier of (i) when there is an increase in fair market value of \$500,000 for that Parcel, or (ii) the first day of tax year 2028 and ending on a Parcel-by-Parcel basis the earlier of (i) thirty (30) years after such commencement or (ii) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of R.C. Sections 5709.40, 5709.42 and 5709.43.

Section 3. That, as provided in R.C. Section 5709.42, the owner of any Parcel with an Improvement is required hereby to make annual payments in lieu of taxes to the Henry County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. Each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation (the payments in lieu of tax, including any penalties and interest, the “Service Payments”). The County Treasurer shall remit all Service Payments to the City for deposit in the Oakwood/American Napoleon Municipal Public

Improvement Tax Increment Equivalent Fund (the “Fund”) established in Section 5 hereof that are not required to be distributed to the School Districts and the JVSD pursuant to Section 4. This Council hereby authorizes the Mayor, the City Manager, or other appropriate officers of the City to provide such information and certifications and execute and deliver, or accept delivery of such instruments as are necessary and incidental to collect those Service Payments and to make such arrangements as are necessary and proper for payment of the Service Payments. Any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121 and 5703.47, as may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time. The Service Payments shall be allocated and deposited in accordance with Section 4 and Section 5 of this Ordinance.

No owner shall, under any circumstances, be required for any tax year to both pay Service Payments with respect to an Improvement and reimburse local taxing authorities for the amount of real property taxes that would have been payable to local taxing authorities had the Improvement not been exempted from taxation pursuant to this Ordinance.

Section 4. That, the County Treasurer is requested to distribute the Service Payments as follows:

- (i) to the School Districts and the JVSD for their respective amounts due in accordance with the School Compensation Agreements; and
- (ii) to the City, all remaining amounts for further deposit into the Fund.

Section 5. That, this Council hereby establishes, pursuant to and in accordance with the provisions of R.C. Section 5709.43, the Fund, into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvement to the Property by or on behalf of the County Treasurer, as provided in R.C. Section 5709.42, and hereby appropriates all of the moneys deposited in the Fund from time to time to pay, semi-annually, amounts in the following order:

- (i) if the County Treasurer does not proceed in accordance with Section 4, to make the payments set forth in Section 4 to the School Districts and the JVSD; and
- (ii) for any costs associated with the Public Infrastructure Improvements, including, but not limited to, the “costs of permanent improvements” described in R.C. Section 133.15(B), and
- (iii) to the City to be utilized at its discretion for any purpose permitted by applicable law.

The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, subject to the limits set forth in Section 3 hereof, after which said Fund shall be dissolved in accordance with R.C. Section 5709.43(D). Upon dissolution, any incidental surplus money remaining in the Fund shall be disposed of as provided in R.C. Section 5709.43(D).

Section 6. That, the School Compensation Agreements by and between the City and each School District, substantially in the form attached hereto as Exhibit C and incorporated herein by reference, are hereby approved, with such changes that are not inconsistent with this Ordinance, are not substantially adverse to the City and are approved by the City Manager and Law Director, all of which shall be evidenced conclusively by the execution of the School Compensation Agreements by the City. The School Compensation Agreements shall govern the payment of compensation to the School Districts in connection with this Ordinance and the JVSD pursuant to R.C. Sections 5709.40(D) and 5709.82.

Section 7. That, this Council hereby authorizes the Mayor, the City Manager, or other appropriate officers of the City to take such actions as are necessary or appropriate to implement the transactions contemplated by this Ordinance, including the filing of one or more applications for exemption and any related forms in accordance with R.C. Section 5709.911. The Mayor, the City Manager, or other appropriate officers of the City are each authorized and directed to sign any other documents, instruments, or certificates and to take such actions as are necessary or appropriate to consummate or implement the actions described herein, or contemplated by this Ordinance.

Section 8. That, the City's Tax Incentive Review Council (the "TIRC") shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other matters as may properly come before that TIRC, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 9. That, pursuant to R.C. Section 5709.40(I), the Mayor or the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency ("DSA") within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 3 hereof remains in effect, the Mayor, City Manager or other authorized officer of this City shall prepare and submit to the Director of DSA the status report required under R.C. Section 5709.40(I).

Section 10. 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 11. 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 12. That, this Ordinance 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 Ordinance No. 056-20 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.

Roxanne Dietrich, Clerk of Council

APPROVED AS TO FORM:

Billy D. Harmon, Director of Law

Date

EXHIBIT A to TIF ORDINANCE

DESCRIPTION OF THE PROPERTY

The Property is the real estate situated in the City of Napoleon, County of Henry and State of Ohio consisting of the parcels which have been assigned the tax year 2019 parcel numbers by the Henry County Auditor set forth below and identified on the map attached hereto (and including any subsequent combinations and/or subdivisions of the current parcel numbers), but, in accordance with R.C. Section 5709.40(B), does not include any Parcel used or to be used for residential purposes for as long as that Parcel is used or to be used for residential purposes:

270693030020
270600160500
270600160700
270600080000
270600080200
270693050020
270600140200
270693020060
270693020040
270693020020
270693040020
270600140000
270693010020
270600160200
270600160400
270600180300
280700820000
280700900000
411201520000
411291540020
411291540040
411201500000
410100260200
410100260300
410100260000
410100300100
410100300000
410100280100
410100240000
410100240600
410100240500

410100240200
410100240100
411201440100
411201580000
411201540000

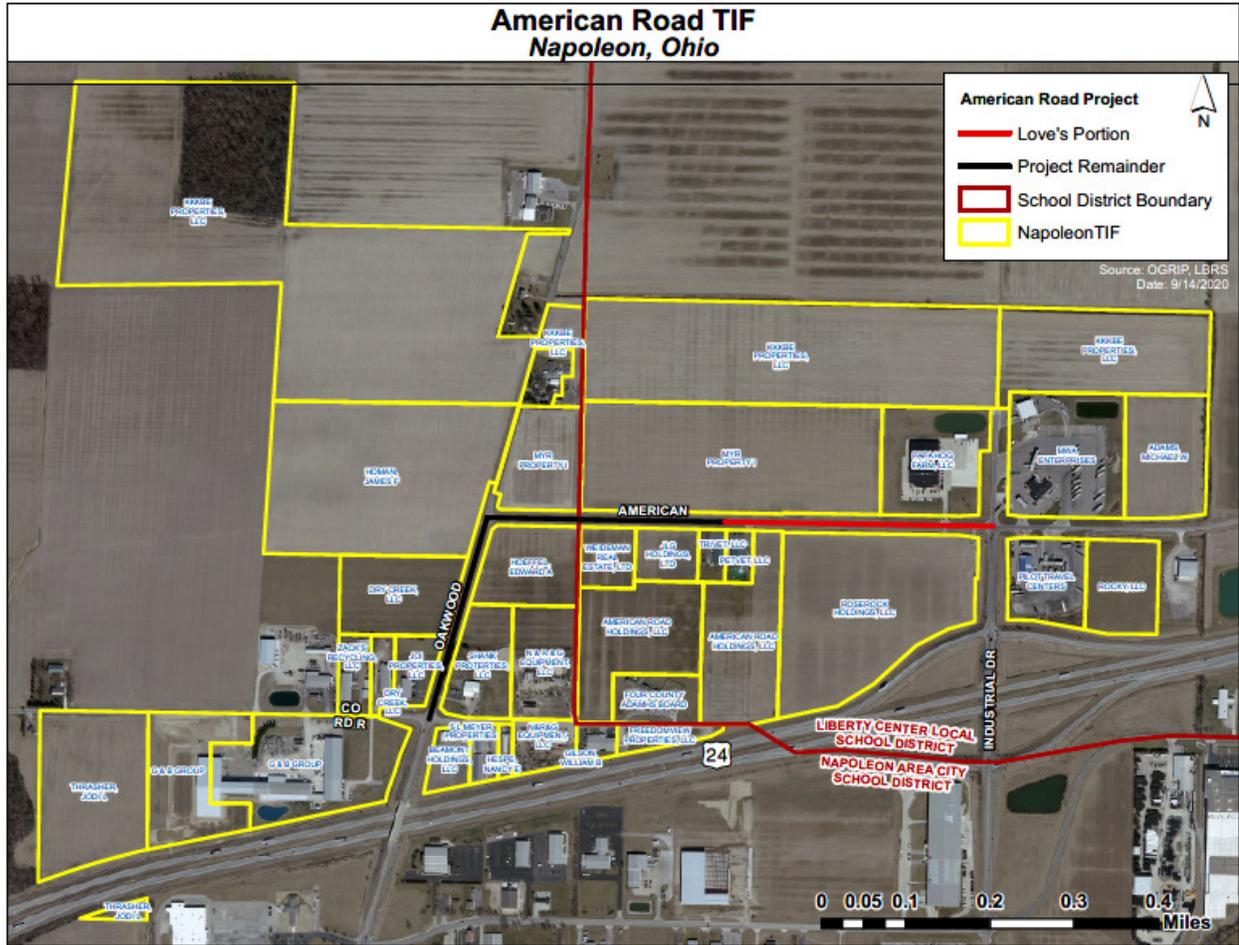


EXHIBIT B to TIF ORDINANCE

DESCRIPTION OF THE PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under RC 5709.40(A)(8) and that directly benefits the Parcels and specifically include, but are not limited to, any of the following improvements that will directly benefit the Parcels and all related costs of those permanent improvements (including, but not limited to, those costs listed in RC 133.15(B)):

- **Roadways.** Construction, reconstruction, extension, opening, improving, maintaining, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto, including, without limitation, improvements to Oakwood Avenue between Freedom Drive and American Road, and American Road between Oakwood Avenue and Industrial Drive and construction of publicly accessible roadways (whether publicly or privately owned) within or adjacent to the Parcels.
- **Parking.** Construction, reconstruction, improving, and equipping of surface or structured public parking facilities, including surface and on-street parking facilities along the Roadways described above.
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), waste treatment, water retention, water and fire protection systems, and all appurtenances thereto.
- **Environmental/Health.** Implementation of environmental remediation measures necessary to enable the construction of the private improvements on the Parcels or the Public Infrastructure Improvements, and the construction of public health facilities.
- **Utilities.** Construction, reconstruction, burial or installation of gas, electric and communication service facilities and all appurtenances thereto, including, but not limited to those associated with improvements described in “Roadways” above and facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes.
- **Stormwater.** Construction, reconstruction, relocation, modification and installation of stormwater, wetland and flood remediation projects and facilities (including without limitation erosion control, storm drainage and earthwork), both for storm water quantity and quality, including the payment and reimbursement for such projects and facilities on private property when determined to be necessary for public health, safety and welfare.

- **Demolition.** Demolition, including demolition on private property when determined to be necessary for public health, safety and welfare.
- **Parks.** Construction or reconstruction of one or more public parks and park or recreational facilities, including grading, trees and other park plantings, park accessories and related improvements, multi-use trails and bridges, together with all appurtenances thereto.
- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described in “Roadways” above.
- **Real Estate.** Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements or (b) in aid of industry, commerce, distribution or research, including acquisition of interests in the Parcels by one or more public or private entities necessary for redevelopment of the Parcels.
- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.

EXHIBIT C
COMPENSATION AGREEMENTS

2020 APPROPRIATION BUDGET - SUPPLEMENTALS UNDER \$25K

ORDINANCE No. 092-19, Passed January 6, 2020

Supplementals Under \$25K

PERSONAL
SERVICES

OTHER

TOTAL

2020
FUND
TOTAL

250 Local Coronavirus Relief Fund

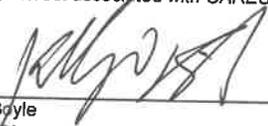
250.1300.59001 Reimbursements -COVID 19 Expenses

\$623.74

\$623.74

\$623.74

Reason: Interest associated with CARES Act dollars



Kelly O'Boyle
Finance Director



Joel Mazur
City Manager

Date: 11.18.20



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

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Billy Harmon, City Law Director
Kelly C. O'Boyle, City Finance Director
Dave Pike, WWTP Superintendent
Date: November 18, 2020
Subject: 2021 WWTP Improvements Project – Single Source Rental of Belt Press

As part of the 2021 WWTP Improvements project, the City of Napoleon recently awarded the bid for the Volute Presses to Ekoton which are expected to be delivered in May 2021. These units will be installed as part of the WWTP project. It is expected that the units will be installed by January 2022. To install the presses, the existing digesters will need to have the sludge removed, pressed, and disposed.

Ekoton, the supplier of the presses that will be installed as part of the project, currently has a trailer-mounted press unit similar to the two being purchased through the Volute Press project. This unit is available for rental to the City at a cost of \$8,150 per month. Incorporating this unit into the existing WWTP operations would provide significant advantages to the existing sludge handling operations and overall construction project including:

- Reduced direct costs for sludge hauling and disposal of approximately \$5,200 per month
- Increased production of dewatered solids to reduce the costs of cleaning the existing digesters which was to be included in the 2021 WWTP Improvement project, as well as opening areas for construction staging and operations by eliminating exterior storage of poorly dewatered sludge throughout the WWTP site
- Increased flexibility of operation within the existing Dewatering Facility to simplify logistics and timing for modification of the building and processes that will result in time and cost savings during construction
- Reduced WWTP staff time allocated for additional sludge handling and dewatering prior to disposal, allowing time for other necessary tasks at the WWTP. **This will be extremely critical during the WWTP construction.**
- Opportunity for WWTP staff to become familiar with the volute press operations prior to the new presses being installed, resulting in further efficiency of operation

Based on the above information, I am recommending that the City enter into a Single-Source supplemental agreement with Baker & Associates to authorize rental of the trailer-mounted volute press unit commencing in December 2020 at a rate of \$8,150 per month, including

mobilization/demobilization, startup assistance, and operator training. The costs of rental will be charged to the City through substantial completion of the Dewatering Facility portion of the 2021 WWTP Improvements, or for approximately 14 months. If the Contractor's timeline for completion of the Dewatering Facility goes beyond the interim milestone within the contract, liquidated damages equivalent to the rental rate will be applied to the contract.

Although this timeline could be reduced, we currently anticipate that the total rental charges to the City may reach \$114,100 if the full 14-month period is required. This cost will be directly offset with savings in disposal costs exceeding \$70,000 for the same period and will likely result in additional savings to the City for reduced labor, equipment and operational expenses related to dewatering, and for the construction contract far beyond the net \$44,000 remaining. We also believe that the overall construction timeline for the project may be reduced by utilizing the rental presses.

CEL

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

76403500065 <small>PERMIT NUMBER</small>		TRFO <small>TYPE</small>	S AND G STORES II LLC S&G #90 900 AMERICAN RD NAPOLEON OH 43545
06	01	2019 <small>ISSUE DATE</small>	
11	19	2020 <small>FILING DATE</small>	
C1 C2 <small>PERMIT CLASSES</small>			
35	088	A	F24366 <small>RECEIPT NO.</small>

FROM 11/27/2020

0166166 <small>PERMIT NUMBER</small>			AMERICAN ROAD LLC DBA PETRO 2 EXCLUDES QUIZNOS 900 AMERICAN RD NAPOLEON OH 43545
06	01	2019 <small>ISSUE DATE</small>	
11	19	2020 <small>FILING DATE</small>	
C1 C2 <small>PERMIT CLASSES</small>			
35	088		



MAILED 11/27/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/28/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 7640350-0065
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL
PO BOX 151
NAPOLEON OHIO 43545

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	76403500065
Permit Name / DBA	
Member / Officer Name	

[Search](#) [Reset](#) [Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 76403500065; Name: S AND G STORES II LLC; DBA: ; Address: 900 AMERICAN RD		
NAPOLEON 43545		
DERGHAM RIDI	MANAGE MEM	CEO

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

received
12-1-2020

City of Napoleon, Ohio

RECORDS COMMISSION

Monday, December 07, 2020 at 8:00 am

SPECIAL MEETING AGENDA

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
the WebEx link will be posted at www.napoleonohio.com

- 1) **Approval of Minutes** (In the absence of any objections or corrections, the Minutes shall stand approved).
- 2) **Review of Records Retention Schedules**
- Police Department
- 3) **Any other matters to come before the Commission**
- 4) **Adjournment.**



Roxanne Dietrich ~ Clerk of Council



City of Napoleon, Ohio

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

Memorandum

To: Mayor and City Council, City Manager, City Law Director, Finance Director, Department Supervisors, News Media
From: Roxanne Dietrich, Clerk of Council
Date: December 4, 2020
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the Technology and Communications Committee for Monday, December 07, 2020 at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio
PLANNING COMMISSION

MEETING AGENDA

Tuesday, December 08, 2020 at 5:00 pm
PC 20-15 – Subdivision Replat

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
WebEx details will be posted at www.napoleonohio.com

- 1) Call to Order
- 2) Approval of Minutes – October 13, 2020 (in the absence of any objections or corrections, the minutes shall stand approved)
- 3) New Business – PC 20-15 Subdivision Replat
An application for a Public Hearing has been filed by Richard Luzny. The applicant is requesting the approval of a subdivision of a Re-Plat of Lot D of Hogrefe's Plat II within the City. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is in a R-4 High Density Residential Zoning District.
- 4) Adjournment.



Roxanne Dietrich - Clerk of Council



City of Napoleon, Ohio

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

Memorandum

To: Board of Zoning Appeals, City Council, Mayor,
City Manager, City Law Director, Finance
Director, Department Supervisors, News media
From: Roxanne Dietrich – Clerk of Council
Date: December 4, 2020
Subject: BZA – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals set for Tuesday, December 8, 2020 at 4:30 pm has been CANCELED due to lack of agenda items.

AMP Update for Dec. 4, 2020

American Municipal Power, Inc. <webmaster@amppartners.org>

Fri 12/4/2020 2:12 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

Having trouble viewing this email? [Click here to view web page version](#)



Dec. 4, 2020

Meldahl Hydroelectric Plant sets monthly generation record in November

By Mike Migliore - vice president of power supply planning and marketing

Despite only 30 days in the month, ideal water levels on the Ohio River resulted in net energy output from the three units at the Meldahl Hydroelectric Plant exceeding a total of 65 million kWh (65,228 MWh) for November. This sets a new monthly production record for the plant since its startup in early 2016. Meldahl delivered an average of 90.6 MW of electricity per hour to participants, which is an 86 percent capacity factor for the 105-MW facility. Meldahl is the largest of the six Ohio River hydroelectric plants that AMP members participate in, so November 2020 also marks the all-time maximum energy generation from any of the AMP-owned or -operated hydroelectric plants.



Oracle Re-implementation Project: Impacts to AMP Member Invoicing

By Tom Sillasen - assistant vice president of energy accounting and reporting

As we get closer to go-live with the Oracle Re-implementation Project, I am highlighting some changes to expect in AMP's billing outputs starting Jan. 1, 2021.

For Member billing, it is important to note that changes to your main power invoice are primarily formatting related. However, one change that impacts Members is around services that were previously invoiced under miscellaneous charges on your monthly power invoice, such as Direct Connections, EcoSmart Choice, Member loans, rate levelization agreements and Bond Anticipation Notes (BANs). Starting Jan. 1, these services will be invoiced separate of your main power invoice. AMP's Energy Settlement Operations department has identified all Members that will be impacted by this change and are working with these Members directly.

In an attempt to help communicate expected billing changes, we have developed a Member Billing FAQs document. The FAQs will accompany your November power invoice and can be accessed [here](#).

Feel free to contact me at tsillasen@amppartners.org or the Energy Settlement Operations team at billing@amppartners.org with any questions.

AMP to host COVID-19 update webinar

AMP has scheduled our next virtual COVID-19 update webinar for Dec. 18 at 10 a.m.

For the webinar, we welcome back Tina Lewis as the featured speaker. On Dec. 18, participants will hear updates on the status of COVID-19 vaccines, known vaccine distribution plans, updates on CDC guidelines and a general state of the nation.

Lewis is an epidemiologist and clinical microbiologist who holds a Masters of Public Health in Epidemiology from Emory University. She has worked as an epidemiology contractor for the Center for Disease Control, as the District Epidemiologist in Fulton County, Ga., and as an epidemiology contractor for The Energy Authority.

We encourage members to share policies, procedures, communications or other information developed to help manage your local efforts related to the COVID-19 pandemic. If you would like to provide resources for posting, receive call-in information for the member conference calls or need assistance with extranet login credentials, please email COVID-19@amppartners.org. For those that are unable to attend the webinar, a recording will be posted to the [Member Extranet](#) (login required).

Please contact me at award@amppartners.org if you have any questions.

AMP to hold virtual safety training

By Kyle Weygandt - director of member safety

In response to the increasing spread of COVID-19, AMP has recently put into place a number of safeguards that will limit visits to many of our member communities. In order to continue providing our members with the best possible service and training, we will again offer virtual safety training via the Microsoft Teams program.

The following courses have been scheduled for December:

- *Before it's too Late* - Dec. 8, 9 a.m.
- *Building a Foundation of Safety* - Dec. 15, 9 a.m.
- *Capacitor Safety Training* - Dec. 22, 9 a.m.
- *Bucket Truck Safety* - Dec. 29, 9 a.m.

Members are encouraged to attend any course that they believe would be beneficial to their community. For those unable to attend, a video recording of each course will be posted to the [Member Extranet](#) (login required) and the [AMP YouTube channel](#) (links available to members upon request).

Any additional training courses will be announced and promoted in *Update*. If you have any questions or would like to suggest a training topic, please contact Jennifer Flockerzie at jflockerzie@amppartners.org or 614.540.0853.

AMP TECHNICAL AND SAFETY TRAINING WEBINAR SCHEDULE

In an effort to continue providing members with high-quality training opportunities, AMP has temporarily transitioned trainings to a webinar format. Please see the below schedule - we will continue to update the schedule as needed. We are in this together.

Dec. 8, 9 a.m.

Before It's Too Late
Instructor: Kyle Weygandt

Dec. 15, 9 a.m.

Building a Foundation of Safety
Instructor: Steve Mutchler

Dec. 22, 9 a.m.

Capacitor Safety Training
Instructor: Jim Eberly

Dec. 29, 9 a.m.

Bucket Truck Safety
Instructor: Scott McKenzie



For more information on the AMP Training Program or to access the virtual training webinars, please contact Jennifer Flockerzie, AMP's manager of technical services logistics, at jflockerzie@amppartners.org.



AMP Scholarship nominations due by Dec. 18

By Jodi Allalen - manager of member events and programs

All nominations for the Lyle B. Wright and Richard H. Gorsuch scholarships are due by Dec. 18. Member communities may nominate one student for each of these awards. AMP member municipal electric

officials are responsible for selecting their own nominees and are encouraged to work closely with their local high school guidance office in their search.



The Richard H. Gorsuch Scholarship is a one-time award of \$3,000 that is presented to as many as five students who have a parent or guardian who is an employee of an AMP member electric utility or AMP. The Lyle B. Wright Scholarship is a one-time award of \$3,000 that is presented to as many as five students who live in a household that receives electricity from an AMP member electric utility.

Scholarship recipients will be chosen based on academic performance, score on a public power test and extracurricular activities. AMP staff and the AMP Scholarship Committee will review the nominations and recommend candidates to the AMP Board of Trustees. Officials are encouraged to work closely with their local high school guidance office in selecting nominees.

Additional information and nomination forms are available on the [Member Extranet](#) (login required). If you have questions about AMP's scholarships or how to nominate a student, please contact me at 614.540.0916 or jallalen@amppartners.org.

November 2020: Much warmer than 2019

By Mike Migliore

Temperatures throughout November 2020 were 3 to 6 degrees above normal compared to November 2019, which saw average temperatures of 3 to 6 degrees below normal. Prices reflected the balmy weather and finished at their lowest level for a November since 2003. The maximum hourly day-ahead rate at the A/D Hub was only \$47/MWh on Nov. 19 at 8 a.m. Real-time prices averaged \$0.30/MWh higher than day-ahead prices for the month, with three hours above \$100/MWh. Congestion to FirstEnergy (ATSI) was minimal as it has been throughout most of 2020.

AVERAGE DAILY RATE COMPARISONS			
	November 2020 \$/MWh	October 2020 \$/MWh	November 2019 \$/MWh
A/D Hub 7x24 Price	\$20.71	\$22.24	\$29.47
PJM West 7x24 Price	\$21.32	\$21.77	\$29.22
A/D to AMP-ATSI Congestion/Losses	\$0.16	\$0.07	\$0.39
A/D to Blue Ridge Congestion/Losses	\$0.48	\$0.18	\$0.38
A/D to PJM West Congestion/Losses	\$0.61	-\$0.47	-\$0.25
PJM West to PP&L Congestion/Losses	-\$1.71	-\$6.84	-\$5.71
MISO to A/D Hub Congestion/Losses	\$1.97	\$1.02	\$3.05

Economic Development Rate Design - Lessons Learned webinar held Nov. 30

By Alexis Fitzsimmons - director of economic and business development

On Nov 30, John Courtney, owner of Courtney & Associates and Garrett Cole, principal at GDS Associates, Inc., provided valuable economic development rate design information.

The speakers discussed what economic development rates are, the general principles behind them, why they are used, steps required for creation, best practices and lessons learned. They also reviewed several

community case studies to illustrate the concepts.

A recording of the webinar can be found [here](#) (login required). If you have questions or need additional information, please contact me at 614.540.0994 or afitzsimmons@amppartners.org.

AMP seeks member input for 2021 Virtual Technical Services Conference

By Jennifer Flockerzie - manager of technical services logistics

Planning has begun for the AMP's 2021 Virtual Technical Service Conference, set to be held in spring 2021.



AMP is currently seeking input and suggestions from members for potential topics, speakers or other areas of interest that you would like to see included. To provide suggestions for the 2021 Virtual Technical Services Conference, click [here](#) or email me at jflockerzie@amppartners.org.

The Technical Services Conference is a premier opportunity for members to increase technical understanding, learn about new products and hear updates and best practices from other AMP members and AMP staff. The event traditionally offers a variety of informative sessions, and electric utility managers, superintendents and technical staff are invited and encouraged to attend.

Energy market update

By Jerry Willman - assistant vice president of energy marketing

The January 2021 natural gas contract decreased \$0.273/MMBTU to close at \$2.507 yesterday. The EIA reported a withdraw of 1 Bcf for the week ending Nov. 27. Industry estimates were for a withdraw of 16 Bcf. The year-ago withdraw was 22 Bcf and the five-year average was -41 Bcf. Storage is now 3,939 Bcf, 9.5 percent above a year ago and 7.9 percent above the five-year average. The withdrawal season running total of -19 Bcf is less than the five-year average of -102 Bcf.

On-peak power prices for 2021 at A/D Hub closed yesterday at \$30.28/MWh, which decreased \$1.19/MWh for the week.

On Peak (16 hour) prices into AEP/Dayton hub

Week ending Dec. 4

MON	TUE	WED	THU	FRI
\$25.65	\$31.59	\$28.25	\$26.93	\$24.25

Week ending Nov. 27

MON	TUE	WED	THU	FRI
\$26.74	\$25.82	\$20.55	\$17.09	\$18.50

Week ending Nov. 20

MON	TUE	WED	THU	FRI
\$24.99	\$26.76	\$29.39	\$22.54	\$20.21

AEP/Dayton 2021 5x16 price as of Dec. 3 — \$30.28

AEP/Dayton 2021 5x16 price as of Nov. 26 — \$31.47

AEP/Dayton 2021 5x16 price as of Nov. 19 — \$30.50

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) plant was in limited 2x1 configuration for the week. The plants maximum capability was reduced to minimum duct fire output due to feed pump repairs. The holiday weekend provided lower system loads and prices that contributed to the plant being dispatched offline last Thursday through Sunday based on PJM economics. For the week, the plant generated at a 43 percent capacity factor (based on 675-MW rating).

Celebrate the holidays with 12 Days of Energy Efficiency

By Zachary Hoffman - manager of communications and publications

To encourage energy efficiency during the Holiday Season and the coming winter, AMP is encouraging members to share our 12 Days of Energy Efficiency social media posts, which will be shared on our [Facebook page](#) beginning on Dec. 9 and running every weekday until Dec. 24.

Additionally, AMP has released a 12 Days of Energy Efficiency video containing all 12 tips that will be shared on Dec. 25. The video can be found on [AMP's YouTube page](#).

For those interested in more social media content, AMP has created the Public Power Connections page on the [Member Extranet](#) (login required). The [Public Power Connections page](#) provides members with easy-to-use graphics and videos for use on social media.

If you have questions about our social media efforts or the [Public Power Connections page](#), please contact me at zhoffman@amppartners.org or 614.540.1011.

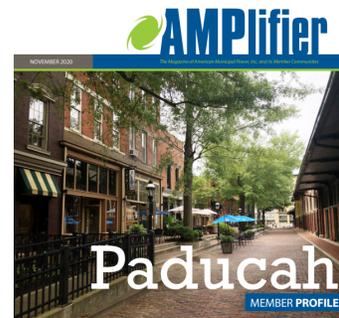


Fall 2020 issue of Amplifier now available

By Holly Karg - assistant vice president of communications and public relations

The latest edition of [Amplifier](#) is electronically available on the [Member Extranet](#) (login required). In this issue, AMP President/CEO Jolene Thompson outlines four overarching themes driving her goals for the organization. Along with other timely articles, features in this issue include an in-depth look into the many careers and different areas of expertise that make up public power; the benefits and strength of joint action; and a Member Profile that takes us to Paducah, where the public power system is an important part of a tightly-knit community.

If you have questions about [Amplifier](#), prefer to cancel your mailed hardcopy and receive it electronically or would like to suggest a story or topic for coverage, please contact me at hkarg@amppartners.org or 614.540.0064.



Sustainability Performance at a Glance, Q3 report now available

By Erin Miller - assistant vice president of energy policy and sustainability

The Sustainability Performance at a Glance, third quarter 2020 report is now available [here](#). The quarterly update is intended to measure and compare the progress of sustainability metrics while also highlighting accomplishments of the quarter.

This report features generation records set for hydro and solar production, summer peak shaving efforts, as well as updates on the Focus Forward, EcoSmart Choice and Efficiency Smart programs. Sustainability metrics for the quarter are also included in the report. If you have any questions or would like additional information, please contact me at emiller@amppartners.org or 614.540.1019.



Security tip - Phishing efforts hiding behind Google Drive

By Jared Price - vice president of information technology and CTO



Phishing emails are often designed to trick you into clicking a malicious link. Most email clients, such as Microsoft Outlook and Gmail, have filters that add warning messages to emails with suspicious-looking links. Unfortunately, the cybercriminals are always finding new ways to bypass these security filters.

The latest way that scammers sneak past your email security is by taking advantage of the collaboration tools available for the Google Drive platform. The platform allows you to tag any user in a file by using their Gmail address. Once tagged, the user will receive a notification directly from Google. This means that if a cybercriminal tags you in a Google document, you will receive a legitimate notification from Google that includes a link to the cybercriminal's file. If you view the file, you will likely find that it directs you to click another link. This second link is actually a malicious attempt to steal your sensitive information.

Do not fall for this trick! Remember:

- Always be suspicious of emails or notifications from someone you do not know.
- Never click on a link within an email that you were not expecting - even if it came from a legitimate website.
- If you receive a suspicious email or notification, contact your IT department or follow the specific procedure for your organization.

and abilities necessary to perform the job. Valid State of Ohio driver's license, valid Ohio Class A Commercial Driver's License within 12 months of hire date and ability to complete a four-year apprentice lineworker training program. Apprentice lineworker position pay range is \$17.85-\$26.78.

Journeyman lineworker

The Village of Wellington is seeking applicants for the position of journeyman lineworker. Duties include the operation, maintenance and routine construction of the electric distribution system. Minimum qualifications include a high school diploma or equivalent, successful completion of journey lineworker apprenticeship program, and four years of experience as apprentice lineman, or an equivalent combination of education and experience which provides the skills and abilities necessary to perform the job. Valid State of Ohio driver's license, valid Ohio Class A Commercial Driver's License and Journeyman Lineworker Certification required. Journeyman lineworker position pay range is \$21.24-\$30.80.

Application and job description may be obtained online at www.villageofwellington.com or at the Village Town Hall, 115 Willard Memorial Square in the lobby area. Applications must be returned to Village of Wellington, Attn: Steve Dupee, Village Manager, 115 Willard Memorial Square, Wellington, OH 44090. Applications will be accepted for position until filled.

The Village of Wellington is an EEO/AA employer.

City of Bowling Green seeks applicants for customer service specialist

The City of Bowling Green is seeking applicants for the position of customer service specialist. This full-time, hourly position is responsible for utilities' billing, receipts, work order processing and customer service. Assists customers, resolves billing problems; enters, sorts and distributes work orders; acts as a liaison with other utilities departments in resolving customer problems; accepts payments, posts to accounts and balances cash drawer; prepares payment batches; reconciles payment batches and balances receipts reports; calculates adjustments to accounts, reviews billing registers, processes customer billing and posts penalties; sets up payment extensions with customers and tracks to ensure compliance; prepares automated phone notification file for past due accounts and final notices; issues orders for disconnections for non-payment; processes customer information, sends to collection agency, posts receipts from collection agency and writes off bad debt accounts; prepares invoices and maintains spreadsheets. Must be able to use computers and understand computer software. High school diploma or equivalent; three to five years of related experience required. A copy of the job description will be provided to applicants. Pay is \$17.00 to \$20.45 per hour.

Interested persons must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402-2399 or by accessing [online](#). Resumes may be included, but will not substitute for a completed application. Application materials must be returned to the Personnel Department by one of the following methods: email to BGPersonnel@bgohio.org, fax to 419.352.1262 or by U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8 a.m.-4:30 p.m. You may reach the Personnel Department by phone at 419.354.6200. Deadline for making application is Dec. 23, 4:30 p.m. AA/EEO

City of Columbus seeks applicants for power distribution system operator

The City of Columbus Department of Public Utilities is seeking qualified candidates for the position of power distribution system operator I. To apply, you must first take the open competitive examination. Applications must be submitted to the Civil Service Commission by applying online at www.csc.columbus.gov by Jan. 4. Applicant tracking is now managed by NEOGOV. If you do not already have a profile in NEOGOV, you will have to set up a new one in NEOGOV before you can submit an application.

This position is responsible for advanced operation of the power distribution/transmission control system. To qualify you must have two years of experience as a power distribution system operator I or another closely related experience. Possession of a valid driver's license is required. Salary is \$56,201.60-\$91,520.

Contact the Civil Service Commission at 614.645.8300 with questions. City of Columbus is an Equal Opportunity Employer.

Village of Arcanum seeks applicants for electric lineworker I or II

The Village of Arcanum is seeking applicants for the position of full-time electric lineworker I or II. The successful candidate will be responsible for locating and repairing outages in overhead and underground equipment, constructing new substations and installing, repairing and maintaining traffic control systems. This position requires the performance of skilled tasks in various aspects of the utility operations, as well as specialization in electric distribution services and the ability to follow all health and safety policies and procedures. A complete job description is available [here](#) at www.villageofarcanum.com or by contacting the Village of Arcanum Administration Office at 937.692.8500.

Candidates must possess a high school diploma/GED, one year of on-the-job work experience with high-voltage electrical power lines and appurtenances and a valid Ohio driver's license. A commercial driver's license with class B endorsement must be acquired by the end of a six-month probationary period.

Submit resume and cover letter to Mary Stephens, administrative specialist, 309 South Albright St., Arcanum, OH 45304, or to mstephens@villageofarcanum.com. FLSA: Non-Exempt. The Village of Arcanum is an Equal Opportunity Employer.

Village of Bradner seeks applicants for electric line utility worker

The Village of Bradner is seeking a qualified full-time electrical line utility worker; responsible for operation and routine maintenance of the village electrical distribution system.

Must possess a high school diploma or GED and a valid class B, CDL license with air brake, or obtain six months after hire date. Knowledge of overhead distribution lines and underground primary distribution lines required - water and wastewater experience helpful. May require pole climbing and operation and use of bucket truck. Position requires response within 30-minute time period to call-out emergencies, and 24/7 carry of village-issued cell phone for troubleshooting and emergencies, including holidays and weekends.

Position requires various duties to include but not limited to: water distribution repairs, assist in wastewater treatment plant, tree trimming power lines, road maintenance and snow removal, park and pool maintenance, lawn care and other general maintenance as required. Above duties will require working in all weather conditions. Twice monthly Board meeting attendance is also required.

Applications may be obtained at the Town Hall (located at 130 N. Main St., Bradner, OH 43406) on weekdays from 8:30 a.m. - 5 p.m. or at www.bradnerohio.org. Candidates should return applications with resume and supporting documentation that would be helpful for consideration of employment to the attention of James Smith, Board of Public Affairs President. They can also be mailed to P.O. Box 599, Bradner, OH, 43406, or emailed to kenriquez@bradnerohio.org.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

System analyst - revenue metering

For complete job descriptions, please visit the [AMP careers page](#).

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