## Memorandum

To: Mayor & Members of Council
From: Monica Irelan, City Manager
Subject: General Information
Date: June 2, 2014

#### CALENDAR

#### MONDAY, JUNE 2<sup>ND</sup>

6:15 pm – Technology & Communication Committee

6:55 pm – 2015 Tax Budget Public Hearing

### 7:00 pm – City COUNCIL Meeting

#### C. **APPROVAL OF MINUTES** - May 19, 2014 meeting minutes are enclosed.

#### E. REPORTS FROM COUNCIL COMMITTEES

- 3. Safety & Human Resources Committee
  - a. Researching the Cost of Contracting Out Initial Billing of Copays and Report to Council *Greg's Memorandum on concerns raised at Tuesday's committee meeting is attached.*

#### G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

- 1. *Resolution No. 038-14* a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvements Program (LTIP) Funds for Projects Deemed Necessary by the City Engineer in the Year 2014.
- 2. *Resolution No. 039-14* a Resolution Authorizing the City Finance Director to Direct Payment of \$820,991.00 to American Municipal Power, Inc. for the Net Stranded Liability for the AMPGS Project.
  - This is the City of Napoleon's net AMPGS liability for stranded costs as explained in the attached Memo from AMP.
- 3. *Resolution No. 040-14* a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Conducting a Combined System Operational Plan Update, and to Sole Source said Appraisals to Stantec Consulting Services, Inc., and Declaring an Emergency.

#### H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS - None

#### I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

- 1. *Ordinance No. 031-14* an Ordinance Approving Current January 2014 Replacement Pages to the Napoleon Codified Ordinances.
- 2. *Ordinance No. 032-14* an Ordinance of Napoleon City Council Changing the Zoning Map Pursuant to 1125.02 of the Codified Ordinance of the City of Napoleon to Reflect the Amendment of the Zoning Classification for Property Located at 2269 Scott Street, Napoleon, Ohio from I-2 Open Industrial to C-4 Planned Commercial.
- 3. *Resolution No. 033-14* a Resolution Adopting the 2015 Tax Budget for the City of Napoleon, Ohio, as Required in Section 5705.28 of the Ohio Revised Code and Directing the Finance Director to File the Same with the County Auditor
- J. GOOD OF THE CITY (Discussion/Action)
  - 1. Approval of Change Order No. 1 (Final) for the Kenilworth Area I/I Removal Project (L.T.C.P. Project No. 16B); an Increase of \$15,856.07; Vernon Nagel, Contractor.
    - a. We have enclosed a copy of the final Change Order and Chad's Memorandum.
  - 2. Recommended Changes to the Personnel Code a. We have enclosed the edited version.
  - 3. Light Bulb Recycling Program

#### **INFORMATIONAL ITEMS**

- 1. Three (3) emails from Data Tax Group Greg has asked you include:
  - a. Municipal Income Tax Administration;
  - b. SB 282; and
  - c. New nonresident Tax Rules Could Cost Cities and Businesses Big
- 2. Ohio Municipal League Legislative Bulletin/May 30, 2014

MI:rd Records Retention CM-11 - 2 Years Monthly Calendar

#### June 1 - 30, 2014

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CouncilCalendar



#### Oalendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
	6:15 PM TECHNOLOGY	BISHER - Vacation	6:00 PM - 8:00 pm RIVER	10:00 AM WNDH Kidz Fest	7:00 PM - 11:00 pm / Rally in	BISHER - Vacation
	Committee	DISTER	CITY RODDERS CRUISE-IN	@Glenwood Park	the Alley	Dibiliti vacation
	6:55 PM 2015 Tax Budget		BISHER - Vacation	BISHER - Vacation	BISHER - Vacation	
	Public Hearing					
	7:00 PM City COUNCIL					
	Meeting BISHER - Vacation					
	BISHER - Vacation					
8	9	10	11	12	13	14
BISHER - Vacation	6:30 PM ELECTRIC	AMP - Bisher				
	Committee					
	Board of Public Affairs					
	7:00 PM WATER/SEWER Committee					
	7:30 PM Municipal					
	Properties/ED Committee					
	Meeting					
15	16	17	18	19	20	21
Bisher-APPA Conference, Denv			Bisher-APPA Conference, Denv		6	
	Commission Meeting					
	6:15 PM PARKS & REC					
	Committee Meeting					
	7:00 PM City COUNCIL					
	Meeting					
	Bisher-APPA Conference, Denv					
22	23	24	25	26	27	28
	6:30 PM FINANCE &	AMP - Bisher	AMP - Bisher		6:00 PM Ribfest	BISHER - Vacation
	BUDGET Committee Meeting		A HAI DISHEI		BISHER - Vacation	DISTILIC Vacation
	7:30 PM SAFETY & HUMAN				DISTILITE Vacation	
	RESOURCES Committee					
	Meeting					
29	30	1	2	3	4	5
BISHER - Vacation	5th Monday/No Scheduled Mee	-	6:00 PM - 8:00 PM RIVER	BISHER - Vacation	BISHER - Vacation	BISHER - Vacation
DISTILIX - Vacation	BISHER - Vacation	BROTIER - Vacation	CITY RODDERS CRUISE-IN			
	PROTICING V deation		BISHER - Vacation			
	1	1	1			

City of Napoleon, Ohio

### TECHNOLOGY & COMMUNICATION COMMITTEE

LOCATION: City Hall Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

### Meeting Agenda

### Monday, June 2, 2014 at 6:15 PM

- I. Approval of Minutes from February 3, 2014 (In the Absence of any Objections or Corrections, the Minutes Shall Stand Approved)
- II. Discussion Regarding NCTV Contract
- III. Any Other Matters Currently Assigned To Committee

Gregory J. Heath, Clerk/Finance Director

# City of Napoleon, Ohio Technology & Communication Committee Meeting Minutes Monday, February 3, 2014 at 6:15 pm

PRESENT Members City Staff Recorder Others	Jeffrey Marihugh - Chair, Travis Sheaffer, Patrick McColley (sitting in on behalf of Christopher Ridley; McColley went to the audience at 6:26 pm), Christopher Ridley (arrived at 6:26 pm) Dr. Jon A. Bisher, City Manager Gregory J. Heath, Finance Director/Clerk of Council Dan Wachtman, MIS Administrator Robert Weitzel, Police Chief Tammy Fein News Media
ABSENT	
Call To Order	Chairman Marihugh called the meeting to order at 6:22 pm.
Minutes Approved	Minutes from the December 2, 2013 meeting stand approved as presented with no objections or corrections.
Using Social Media to Improve Communication with Residents	Bisher stated that a City Facebook page has been created and will be administered by Dan Wachtman, MIS Administrator; adding that Wachtman is allowing more Staff to have access as an Administrator to post information on the Facebook page. Bisher stated that the City is trying to integrate the technology with the WENS radio system; when Dispatchers text alerts from the Command Post, residents will receive alerts as chosen by the user, such as snow emergency levels and school closings; the WENS radio system is owned by the County and monitored by Tracy Bush. Bisher added that Wachtman is continuing to maintain the City webpage and administer the improvements that were previously identified by the Committee. Sheaffer stated that all of these means of communication complement each other for residents using different types of technology. Bisher added that the WENS system is for school and weather emergencies; adding that residents can go to the Henry County page to sign up to receive alerts through emails, texts, and calls with a recorded message. Chief Weitzel stated that the WENS system is currently capable of emailing, texting, calling and paging alerts and soon will be able to immediately distribute pictures and immediate notifications to the Press, adding that when the system is updated, smartphones will receive automatic updates. Weitzel stated that the Operations Department City phones are currently being notified that way. Bisher added that residents must sign up to receive this service.
Online Applications for Various Services	Heath stated that links to Utilities Department forms, including the ACH authorization and the Rounding Up Program, have been listed on the City's webpage, however these forms must be printed off, filled out and brought into the Utilities Department due to security concerns. Bisher agreed, stating these security concerns are legitimate, adding that in order to receive a driver's license or state issued ID card, a utility bill is a qualifying document for identification; Law Director Hayberger is researching this issue. Bisher stated that the City is genuinely trying to comply with the request for online business transactions, but is also considering the safety and privacy issues.

	Behm stated that is was his request to compare the City's website to those of Stowe, Ohio and Hudson, Ohio; he noticed that those websites have an option on their homepages to click on information to setup a business within the cities. Marihugh suggested adding a link to the CIC on the City's webpage; Wachtman believes there is already a link for the Chamber of Commerce as well as the CIC on the website. Behm stated that though this link was a good idea, it will not get information to the user regarding business startup. Wachtman asked where he was to get this information; Behm suggested speaking with Tom Zimmerman, City Zoning Official. Behm suggested a dropdown list with contacts and/or steps to follow for business startup within the City; Bisher will research this. Sheaffer added that information regarding moving into the City should be listed as well. Wachtman expressed concern about this information being considered an advertisement; Bisher stated that all options can be listed and amended as needed.
Motion To Adjourn	Motion: Sheaffer Second: Ridley
-	To adjourn the meeting at 6:45 pm
Passed	Roll call vote on above motion:
Yea- 3	Yea- Marihugh, Ridley, Sheaffer
Nay- 0	Nay-
Date Approved:	

Jeffrey Marihugh, Chair

City Contract No 2009-20 - City Resolution No 040-09

#### AGREEMENT FOR OPERATION OF THE PUBLIC ACCESS CHANNEL FOR NAPOLEON

WHEREAS, the General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service; and,

WHEREAS, Time Warner, currently operates in Napoleon, Ohio, under R.C. Section 1332.32, and is a video service provider that is providing service to subscribers in the City pursuant to a state-issued video service authorization; and,

WHEREAS, the Video Service Provider, pursuant to City Ordinance No. 098-07, in accordance with the requirements of R.C. 1332.32, and pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce, shall pay Video Service Provider Fees ("VSP Fees") in the amount of three percent (3%) of gross revenues received from providing video service in the City, which gross revenue base shall include advertising revenues; and,

WHEREAS, this Council is desirous to pay a portion of the fees collected to the Napoleon Area City School District Board of Education to help fund public access channel(s). Now Therefore,

This Agreement is now made this  $13^{tt}$  day of  $10^{tt}$ , 2009, between the City of Napoleon, Ohio, (herein after referred to as the "City"), and the Napoleon Area City School District Board of Education, (herein after referred to as the "Board"), regarding the operation of the public access channel(s) for the City of Napoleon, Ohio.

#### I. TERM

(1) This Agreement shall take effect on May 31, 2009 and shall continue in full force and effect until May 31, 2014, unless otherwise mutually agreed to, in writing, by the parties to terminate earlier, or unless otherwise terminated in accordance with the terms of this Agreement.

(2) In the event of a material breach of this Agreement, then this Agreement may be terminated by the non breaching party, at its' option, if the breaching party fails to correct such material breach within forty-five (45) days of notification of the breach. This Agreement will automatically terminate upon elimination of the public access channel(s). This Agreement may be terminated upon at least sixty (60) days advance written notice by the *City* in the event that the Video Service Provider fails to pay the *City* the fees as required by law. Finally, this Agreement may be terminated for convenience by either party with one hundred eighty (180) days written notice.

(3) Upon termination, each party shall immediately return to the other party, all equipment and tangible property which was purchased with funds of that other party as a result of this Agreement or prior agreements related to the same subject matter as found in this Agreement. Also, upon early termination, the annual funds received by the *Board* from the *City*, not spent by the *Board*, shall be prorated and returned to the *City* within sixty (60) days of termination. This provision shall survive termination of this Agreement.

#### II. INCLUSIVENESS

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(1) The *Board* agrees to fulfill those certain obligations, responsibilities and duties herein enumerated or imposed upon the *City* by law or regulation as it relates to public access channels, including but not limited to transmission and local access which by law or regulation have been imposed upon or may in the future be imposed upon the *City* or the Video Service Provider. If, after the effective date of this Agreement those responsibilities or duties are changed and the *City* has knowledge thereof, the *City* shall notify the *Board*, and the *Board* will in turn, abide by any and all such modifications. In no event shall any contract, agreement or other undertaking of any sort whatsoever made by one party of this Agreement, be binding upon or purport to be binding upon the other party to this Agreement.

(2) The *Board* will take over, absorb, and assume complete responsibility for construction, operation, maintenance, promotion and development of the access facility(s) and public access channel(s) used by the *Board*, and for the signal up to the point at which it leaves the modulator in the access studio, for the period in which this Agreement is in effect. Specific provisions to be fulfilled by each party under this Agreement are as follows:

(a) The *City* "shall":

(i) Provide **eighteen thousand dollars (\$18,000.00)**, no later than August 1st of each named calendar year thereafter, as follows: Year(s) 2009, 2010, 2011, 2012; and, 2013 from money which is generated from video service fees collected from the Video Service Provider, to be used exclusively for funding public access channel(s) (which includes the providing of a community bulletin board) via purchase of equipment and providing the services associated therewith. Additional amounts, if any, shall be at the sole discretion of the City Council.

(ii) Provide representative to attend public access Advisory Board meetings as called by the parties to this Agreement. The Advisory Board (not to be mistaken for the term the "Board" as used throughout this Agreement) will consist of the following: a member of City Council, a member of the School Board, a citizen chosen by the Mayor, a student chosen by the School Board, and the Superintendent of the Napoleon Area City School District.

#### (b) The *Board* "shall":

(i) Provide at least one (1) fixed studio location at Napoleon High School for the purposes of signal generation, video taping, editing, replaying, and equipment storage.

Provide at least one (1) full time or part time student (ii)advisor for the purposes of generating interest and securing volunteers within the student body and also the community at large and to supervise the operations of "NCTV".

Provide a student volunteer to organize and input all (iii) messages appropriate for the community bulletin board.

> (iv) Offer periodically access workshops to train new

volunteers.

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(v)Ensure that not less than four (4) hours per week of public access programming is cablecast.

(vi)Be responsible for paying the reasonable costs required to insure, maintain, repair, fix and adjust all equipment provided pursuant to this Agreement.

Provided students and/or staff are available to do so, (vii) provide for taping of regular scheduled council meetings during the school year as well as special City meetings or hearings.

Unless otherwise agreed or provided for herein, the *Board* shall have full responsibility and liability for the supervision of all costs relating to program production including sets, props, and graphics and including responsibility and liability for the supervision and costs of all production personnel. In no event shall such persons be considered employees of the City.

Any delay or failure by the City or the Board to require any other party's performance of, or authorization to deviate from any term or condition set forth in this Agreement, shall not be construed as a waiver or impairment of such party's right to require the strict performance of the same or any other term and/or condition in the future. Any extension of time or other indulgence granted by one party to any other hereunder shall not otherwise alter or affect any power, remedy, or right of such granting party.

#### III. **REPORTS, FINDINGS, FINANCIAL RECORDS**

The *Board* shall submit to the *City* for its approval, all rules and (1)regulations for the operation of the access channel(s) including rules governing equal access on a non-discriminatory first come, first served basis. The Board shall maintain at its local origination facilities, a copy of said rules and regulations and such other policy documents adopted to govern its operation of the public access channel(s) in the *City*: specifically including, but not limited to its schedule of rates and charges and an annual report to the City.

(2)The *Board* shall provide to the *City* a duplicate copy of all correspondence and other filings made on matters directly affecting production activities in the City.

(3) In addition to the foregoing, the *Board* shall make annual presentation at the beginning of its fiscal year to the *City* which shall address, but not be limited to the following issues:

(a) A summary of the previous years activities with respect to the development of original programming including program logs or material produced and aired, and projected activities for the coming year.

(b) A financial statement including a balance sheet, a statement of expenditures and a budget for the coming year.

(c) A summary of any complaints directed towards the *Board* and/or the *City* and the *Board's* plan to remedy these.

(d) A list of local employees, volunteers, appointees, officers and Advisory Board members, their names and addresses.

#### IV. ACCESS CHANNEL(S)

(1) The Video Service Provider, and not the *City*, will to the extent required by law or regulation, or the terms of the uniform regulatory framework, provide channel(s) for the exclusive cablecast of access programming. The channel(s) will be included in the basic service supplied to all customers.

(2) The *Board* may, at their discretion, cablecast programs in whatever formats they may select, unless otherwise prohibited by the Video Service Provider.

(3) The *Board* shall have full control of and responsibility for access to and use and scheduling of the production facilities and for cable-cast on the access channel(s).

(4) **The** *Board* agrees to observe all rules and regulations promulgated by the Federal Communications Commission ("FCC") and to comply with any and all applicable federal, state and local laws relating to the access channel(s) including, but not limited to, the FCC rules prohibiting the presentation of obscene or indecent material, lottery information, the requirement of providing equal time for candidates for public office, and the requirement of ensuring that reasonable time for the discussion of conflicting views on issues of public importance be available. In the event the *City* is subject to any forfeiture by the FCC or any other entity for violation by the *Board* of any current or future rules promulgated regarding the access channel(s), the *Board* agrees to promptly reimburse the *City* for the amount of any such forfeiture caused by it.

(5) The *Board* shall be responsible for ensuring that they and any other parties using the access channel(s) obtain at their cost, all rights, licenses and permission, including, without limitation, those pertaining to copyright, rights of privacy, literary or dramatic rights, synchronization rights, rights to the use of any trademark, trade name, service mark or patent, use and distribution rights, if necessary, and/or any and all proprietary rights of any nature for the presentation of any programming on the access channel(s).

(6) The *Board* agrees to be solely responsible for all claims of damage arising out of any violation of a term or terms of this Paragraph or any other paragraph in this Agreement; moreover, the *Board* agrees to be solely responsible for claims that result or arise from the *Board's* acts or omissions.

(7) Prior to the commencement of this Agreement, the **Board** shall furnish to the **City** proof that satisfactory liability policies are in force in the minimum amounts set forth below and shall name the **City**, its officials, officers, employees and volunteers as additional insured on said policy.

Comprehensive General Liability

Bodily injury, including death\$1,000,000 each occurrenceProperty damage\$1,000,000 each occurrencePersonal injury\$1,000,000 each occurrenceMedia - Special Perils Policy (or Equivalent)Libel, slander, plagiarism invasion ofLibel, slander, plagiarism invasion ofprivacy, copyright infringement, tradelibel, product disparagement, infringement\$1,000,000 each occurrence

All such policies shall provide that the issuer will not cancel the policies without ten (10) business days prior written notification to each of the other parties. All such policies shall be taken out and maintained during the term of this Agreement with generally recognized insurance companies qualified to do business in the State of Ohio and carrying a rating of A in the most recent publication of Best's Insurance Guide.

(8) The *Board* shall be responsible for the appearance and all results therefore, of any and all persons, including persons under the age of 18 years on any of the programs transmitted by it pursuant to this Agreement.

#### V. OWNERSHIP AND DISPOSITION OF PROPERTY AND EQUIPMENT

The *City* shall have title to all equipment purchased by the *Board* with funds directly supplied by the *City* as a result of this Agreement, after the effective date of this Agreement. Ownership and control of the *City's* facilities and other property bought with funds from this Agreement shall, at all times, remain with the *City*. The *Board* shall not assign or otherwise transfer any of the rights herein granted without the prior written consent of the *City*. However, the *Board* shall have possession, control, full and unlimited use, and responsibility for maintenance of all equipment and property so purchased during the term of this Agreement and during any extensions. If this Agreement expires, is canceled, or is not renewed, the *Board* shall have the option to purchase from the *City* within thirty (30) days from the date the Agreement ceases to be in effect, title to any or all pieces of equipment so purchased at the original price less twenty percent (20%) for each year or portion thereof elapsed since the date of purchase, provided that the *Board* thereafter makes a good faith effort to continue access services for the people of Napoleon, Ohio.

#### VI. PRECEDENCE OF THE STATE LAW

Nothing in this Agreement shall be construed so as to limit the monitoring and regulatory powers assigned to the *City* or to limit the rights and obligations to construct, operate, and maintain a cable television system granted to the Video Service Provider pursuant to Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, that provides a statewide "uniform regulatory framework" for the provision of cable television and/or other video service, except as expressly noted in this Agreement.

#### VII. UNCONTESTED VALIDITY

This Agreement and the attachments hereto constitute the entire agreement between the parties hereto and supersede all prior negotiations, representations and/or agreements, whether written or oral. No representation or agreement waiving, changing, or adding to any of the terms or conditions of this Agreement shall be of any effect unless the same is in writing and signed by the parties hereto.

#### VIII. SEVERABILITY

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If any provisions of this Agreement are declared to be illegal, void, or inoperative for any reasons, the remainder of the Agreement shall not be affected thereby and shall be construed as if not containing the particular void; illegal or inoperative provision and the rights and obligations of the parties hereto shall be construed and enforced accordingly.

#### IX. TIME IS OF THE ESSENCE

Whenever this Agreement shall set forth any time for an action to be performed by or on behalf of any party, time shall be of the essence of the performance of that action.

#### X. AMENDMENT

This Agreement may be amended by mutual assent of the parties, documented in writing, and signed by their authorized representatives to any ratification required by either of them.

#### XI. INTERPRETATION

This Agreement shall serve as an interpretation of all public access requirements under the terms that are contained in the 2003 Franchise Agreement between the Franchising Cable Company and the *City*. All parties accept this Agreement as fulfillment of any and all public access obligations as specifically addressed in said franchise while this Agreement is in full force and effect.

In the event of the termination of this Agreement, all public access franchise obligations shall revert to the *City*.

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#### XII. NOTIFICATION ADDRESS

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All notifications, correspondence, or communications, or payments to the *City* and the *Board* shall be delivered in person or sent via certified mail, return receipt requested to:

City Manager, City of Napoleon 255 West Riverview Avenue Napoleon, Ohio 43545

Superintendent Napoleon Area City School District 701 Briarheath Ave. Napoleon, Ohio 43545

or to such address as shall be communicated, in writing, by one party to the other.

In witness whereof, the parties hereto have duly executed this Agreement on this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2009.

WITNESSES:

FOR THE CITY OF NAPOLEON:

Roxanne Dietrich) By: on A. Bisher, City Manager

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FOR NAPOLEON AREA CITY SCHOOL DISTRICT BOARD OF EDUCATION:

By: 1

DR. Al Haschak, Superintendent

**APPROVAL AS TO FORM AND CORRECTNESS:** 

David M. Grahn, City Law Director

Richard Fisher, Attorney for School Board

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#### **CERTIFICATION OF FUNDS**

The undersigned, being the Finance Director of the City of Napoleon, Ohio, hereby certifies that in the case of this continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the agreement is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.

Heath, Finance Director

#### \* \* \* \* \* **CERTIFICATION OF FUNDS**

The undersigned, being the Treasurer of the Napoleon Area City School District, hereby certifies that in the case of this continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the agreement is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.

Mike Bostelman, Treasurer

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City of Napoleon, Ohio

### **CITY COUNCIL**

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

### Public Hearing Agenda

### Monday, June 2, 2014 at 6:55 PM

- Public Hearing:
   To review the proposed 2015 Tax Budget and Inside Ten (10) Mill Levy
   Rates allocated to the City
- B. Any Other Items That May Properly Come Before Council
- C. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

### NOTICE OF PUBLIC HEARING For the City of Napoleon, Ohio 2015 Tax Budget Monday, June 2, 2014 at 6:55 PM

A Public Hearing for the 2015 Tax Budget of the City of Napoleon, Ohio, has been set for Monday, June 2, 2014, at 6:55 PM, in City Hall, 255 West Riverview Avenue, Napoleon, Ohio. The purpose of the Public Hearing is to review the proposed 2015 Tax Budget and the Inside Ten (10) Mill levy rates allocated to the City. Gregory J. Heath, Finance Director/Clerk of Council

### 2015 TAX BUDGET

County Auditors Form No 32(Rev.3-90)- Prepare in Triplicate

On or before July 20th two copies of this Budget must be submitted to County Auditor

Henry County, Ohio	July 2	20
Office of NAPOLEON CORP.	······	20

To the County Auditor:

The Council of Said Wage hereby submits its annual Budget for the year commencing January 1st, 20 for consideration of the county budget Commission pursuant to Section 5705.30 of the Revised Code.

> \*\*\*\*\*\* Fiscal Officer City

County Auditor

Gregory J. Heath, Finance Director/Clerk of Council City of Napoleon, Ohio

County Treasurer

County Prosecuting Attorney

Schedule A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

				Π			County	Auditor's
City of Napoleon, Ohio City Tax Valuation: \$144,710,680 FUND Mills		by comm	int approved y Budget iission Inside /i Limitation		Amount to be derived from Levies Outside 10 M Limitation			Outside 10 M Limit
<ol> <li>General Fund</li> <li>Road and Bridge Fund</li> </ol>	2.0	\$	289,421					
5. Cemetery Fund 9. Police District Fund	0.6	\$	86,826					
10. Fire District Fund 11. Road District Fund	0.3	\$	43,413					
12. Park Levy Fund 14. Miscellaneous Funds 15. General Bond Retirement Fund		<u> </u>						
20. Special Levy Funds 21. Capital Equipment Fund								
28. Ambulance and Emergency Medical Services Fun	d	L		١		ļ	<u></u>	

419,660 \$

	CHEDULE B		
LEVIES OUTSIDE 10 MILL. L	IMITATION, EXCLUSIN	County Auditor's Est. of	
FUND	Max. Rate Authorized to be Levied	Yield of Levy ( Carry to Schedule A, Collumn II)	
GENERAL FUND:			
Current Expense Levy authorized by voters on 20			
not to exceed 5 years.			
SPECIAL LEVY FUNDS:			
Levy authorized by voters on 20			
not to exceed 5 years			
Levy authorized by voters on 20			
not to exceed 5 years			
Levy authorized by voters on 20			
not to exceed years			
Levy authorized by voters on 20			<u> </u>
not to exceed years			<u> </u>
the state hurrent on 20			
Levy authorized by voters on 20		······································	
not to exceed years			
Levy authorized by voters on 20			
not to exceed years			

### City of Napoleon, Ohio

### **CITY COUNCIL**

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

### MEETING AGENDA

Monday, June 2, 2014 at 7:00 pm

- A. Attendance (Noted by the Clerk)
- **B.** Prayer & Pledge of Allegiance
- C. Approval of Minutes: May 19 (In the absence of any objections or corrections, the minutes shall stand approved.)
- **D.** Citizen Communication
- E. Reports from Council Committees
  - Technology & Communication Committee met on Monday, June 2 and discussed:
     a. Contract with NCTV
  - 2. Finance & Budget Committee did not meet on Tuesday, May 27 due to lack of agenda items.
  - Safety & Human Resources Committee met on Tuesday, May 27 and recommended:
     a. Researching the cost of contracting out initial billing of copays and report to Council
    - **b.** Approving changes to the Personnel Code, including:
      - **1.** Prohibiting the pyramiding of time worked;
      - 2. Changing any language stating 'in excess of eight (8) continuous hours of work' to forty (40) hours of work for overtime purposes; and
      - 3. Changing the wording regarding retire/rehire to match Federal law
    - **c.** Tabled approving changes to the Employee Manual, including:
      - 1. Striking all benefits other than accrued sicktime for permanent part-time employees;
      - 2. Striking language regarding counseling and rehab;
      - 3. Broadening the language of Policy 11.7 to read 'Communicable Diseases';
      - 4. Changing 'shall' to 'must' in Policy 15.6;
      - 5. Clarifying language regarding grades w/letters and percentages in Policy 19.1;
      - 6. Researching Policy 21.2 with the Parks & Recreation Board; and
      - 7. Researching alternative Service Awards
- F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
  - 1. Civil Service Commission did not meet on Tuesday, May 27 due to lack of agenda items.
  - 2. Parks & Recreation Board met on Wednesday, May 28 with the following agenda items:
    - a. Pocket Park Proposal with the Chamber of Commerce
    - **b.** Rotary Club Proposal
    - c. Fourth of July Celebration Activities

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

- **1. Legislation No. 038-14,** Legislation authorizing the City Manager to sign the grant application for the Ohio Public Works Commission (OPWC).
- 2. Legislation No. 039-14, Legislation authorizing the AMPGS stranded cost payment.
- **3. Legislation No. 040-14,** Legislation authorizing the expenditure of over twenty-five thousand dollars (\$25,000.00) for the Waste Water Treatment Plant and Collection Facilities Operational Plan update, and sole source to Stantec; and declaring an Emergency (*Suspension Requested*)

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

There are no second reads of Ordinances and Resolutions.

#### I. Third Readings of Ordinances and Resolutions

- **1. Ordinance No. 031-14,** an Ordinance to approve current January 2014 replacement pages to the Napoleon Codified Ordinances
- **2.** Ordinance No. 032-14, an Ordinance of Napoleon City Council changing the Zoning Map pursuant to 1125.02 of the Codified Ordinance of the City of Napoleon to reflect the amendment of the Zoning Classification for property located at 2269 Scott Street, Napoleon, Ohio from I-2 Open Industrial to C-4 Planned Commercial
- **3. Resolution No. 033-14,** a Resolution adopting the 2015 Tax Budget for the City of Napoleon, Ohio, as required in Section 5705.28 of the ORC and directing the Finance Director to file the same with the County Auditor
- J. Good of the City Any other business as may properly come before Council, including but not limited to:
  - 1. Discussion/Action: Approval of Change Order No. 1 (Final) for the Kenilworth Area I/I Removal Project,

LTCP Project No. 16B, an increase of \$15,856.07, Contractor: Vernon Nagel

- 2. Discussion/Action: Recommended changes to the Personnel Code
- 3. Discussion/Action: Light Bulb Recycling Program
- K. Executive Session: (As needed)
- L. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)
- M. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

#### A. Items Referred or Pending in Committees of Council

- Technology & Communication Committee (1<sup>st</sup> Monday) (Next Regular Meeting: Monday, July 7 @ 6:15 pm)
   a. Changes to the Employee Manual (Tabled)
- 2. Electric Committee (2<sup>nd</sup> Monday) (Next Regular Meeting: Monday, June 9 @ 6:30 pm) a. Review of Electric Billing Determinants **b.** Electric Department Report c. Amending the rates for Interdepartmental City charges from the discounted Residential Rate to the Commercial or Industrial Rate (Tabled) 3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Mondav) (Next Regular Meeting: Monday, June 9 @ 7:00 pm) 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday) (Next Regular Meeting: Monday, June 9 @ 7:30 pm) a. Updated Info from Staff on Economic Development (as needed) 5. Parks & Recreation Committee (3<sup>rd</sup> Monday) (Next Regular Meeting: Monday, June 16 @ 6:15 pm) 6. Finance & Budget Committee (4<sup>th</sup> Monday) (Next Regular Meeting: Monday, June 23 @ 6:30 pm) 7. Safety & Human Resources Committee (4<sup>th</sup> Monday) (Next Meeting: Monday, June 23 @ 7:30 pm) 2014 Regular Meetings with Townships scheduled for February and November **8. Personnel Committee** (As needed) B. Items Referred or Pending In Other City Committees, Commissions & Boards 1. Board of Public Affairs (2<sup>nd</sup> Monday) (Next Regular Meeting: Monday, June 9 @ 6:30 pm) a. Review of Electric Billing Determinants **b.** Electric Department Report 2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday) (Next Regular Meeting: Tuesday, June 10 @ 4:30 pm) **3.** Planning Commission (2<sup>nd</sup> Tuesday) (Next Regular Meeting: Tuesday, June 10 @ 5:00 pm) 4. Tree Commission (3<sup>rd</sup> Monday) (Next Regular Meeting: Monday, June 16 @ 6:00 pm) 5. Civil Service Commission (4<sup>th</sup> Tuesday) (Next Regular Meeting: Tuesday, June 24 @ 4:30 pm) 6. Parks & Recreation Board (Last Wednesday) (Next Regular Meeting: Wednesday, June 25 @ 6:30 pm) 7. Privacy Committee (2nd Tuesday in May & November) (Next Regular Meeting: Tuesday, November 11 @ 10:30 am) 8. Records Commission (2<sup>nd</sup> Tuesday in June & December) (Next Regular Meeting: Tuesday, June 10 @ 4:00 pm) 9. Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting) 10. Health Care Cost Committee (As needed) 11. Preservation Commission (As needed) 12. Infrastructure/Economic Development Fund Review Committee (As needed) 13. Tax Incentive Review Council (As needed) 14. Volunteer Firefighters' Dependents Fund Board (As needed) 15. Lodge Tax Advisory & Control Board (As needed) 16. Board of Building Appeals (As needed)
  - **17. ADA Compliance Board** (As needed)
  - **18. NCTV Advisory Board** (As needed)

### City of Napoleon, Ohio CITY COUNCIL Meeting Minutes Monday, May 19, 2014 at 7:00 pm

PRESENT	
Council	John Helberg (President), Jason Maassel (President Pro-Tem), Jeff Comadoll, Jeffrey
	Marihugh, Christopher Ridley, Heather Wilson
Mayor	Ronald A. Behm
City Manager	Monica S. Irelan
Law Director	Trevor M. Hayberger
Asst. Finance Director	Christine R. Peddicord
Recorder	Tammy M. Fein
City Staff	Robert Bennett, Fire Chief
	Jon Bisher, Special Projects Clerk
	Chad Lulfs, City Engineer
	Bobby Stites, Assistant MIS Administrator
	Robert Weitzel, Police Chief
Others	News Media, NCTV
ABSENT	Turnin Ohne ffor
Council	Travis Sheaffer
Others	Gregory J. Heath, Finance Director/Clerk of Council
Call To Order	President Helberg called the meeting to order at 7:00 pm with the Lord's Prayer
	followed by the Pledge of Allegiance.
	Tonowed by the Fledge of Anegranee.
Minutes Approved	Minutes of the May 5 Council meeting stand approved with the following correction:
With Correction	at the bottom of page three (3), " second read of <i>Resolution No.</i> " should
With Correction	read " second read of Ordinance No. 027-14".
Citizen	None
Citizen Communication	None
Citizen Communication	None
	None The Parks & Recreation Committee did not meet on Monday, May 19 due to lack of
Communication	
Communication Reports From	The Parks & Recreation Committee did not meet on Monday, May 19 due to lack of
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	Program (CHIP Funds) to the Ohio Development Services Agency; and declaring an Emergency				
Motion To Approve First Read	Motion: Maassel Second: Ridley To approve first read of Resolution No. 035-14				
Discussion	Irelan stated that the CHIP funding request application will be done through a consortium this year for the opportunity to get an increase of \$50,000 in grant funds for the City, Maumee Valley Planning Commission and the County, adding that any audit would be completed at the County level.				
	Wilson asked if there was a deadline to consider in the request for the Emergency clause and Suspension; Hayberger replied yes, the deadline is June 6, 2014.				
	Marihugh asked if applying through the consortium would give any advantages when applying for grant funds; Irelan replied that the advantage is extra points towards receiving grants being applied due to the application being through a consortium.				
	Peddicord added that applying for the CHIP funding through the consortium will ease the workload of the Finance Department since fund transfers and auditing would be handled at the County level.				
Motion To Suspend The Rules	Motion: Comadoll Second: Ridley To suspend the rules requiring three readings				
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-				
Passed Yea- 6 Nay- 0	Roll call vote to pass Resolution No. 035-14 under suspension of the rules Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-				
Introduction Of Resolution No. 036-14	President Helberg read by title Resolution No. 036-14, a Resolution terminating the present contract with Anthem and authorizing the City Manager to enter into a new agreement with Anthem; and declaring an Emergency ( <i>Suspension Requested</i> )				
Motion To Approve First Read	Motion: Maassel Second: Ridley To approve first read of Resolution No. 036-14				
Discussion	Hayberger stated that Anthem is changing the billing rates which will be advantageous to the City, adding that the sooner this Resolution is passed, the sooner the City will begin to receive the increase in the EMS billing amount, which is the reason for the request for the Emergency clause and for Suspension.				
Motion To Suspend The Rules	Motion:RidleySecond:MaasselTo suspend the rules requiring three readings				
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-				
Passed Yea- 6	Roll call vote to pass Resolution No. 036-14 under suspension of the rules Yea-				

Nay- 0	Nay-				
Introduction Of Resolution No. 037-14	President Helberg read by title Resolution No. 037-14, a Resolution authorizing the expenditure of funds over twenty-five thousand dollars (\$25,000.00) for the purpose of conducting the appraisals for properties that are included in the Appian Avenue Project, and to sole source said appraisals to O.R. Colan Associates, and declaring an Emergency <i>(Suspension Requested)</i>				
Motion To Approve First Read	Motion: Ridley Second: Maassel To approve first read of Resolution No. 037-14				
Discussion	Hayberger stated that this issue could have been handled as a Change Order; however he deemed it more appropriate to ask Council approval for the additional \$17,000 that will be required for the additional appraisals requested by ODOT for the Appian Avenue Project. Hayberger explained that O.R. Colan Associates had already started the appraisals before ODOT requested the additional property appraisals, which is why sole sourcing is being requested. Marihugh asked why ODOT wanted additional appraisals; Irelan replied the additional appraisals are for properties that were not included in the original map. Ridley asked what purpose the appraisals are for; Hayberger stated he is assuming the appraisals will be used for assessment purposes, but he is not certain. Irelan stated the appraisals may be to purchase the property required to expand the road; Lulfs would have a better explanation of this issue. Marihugh stated he does not support this project.				
Motion To Table Resolution No. 037-14 Discussion Until Lulfs Arrives	Motion: Maassel Second: Ridley To table the discussion regarding Resolution No. 037-14 until Lulfs arrives				
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-				
Second Read Of Ordinance No. 031-14	President Helberg read by title Ordinance No. 031-14, an Ordinance to approve current January 2014 Replacement Pages to the Napoleon Codified Ordinances				
Motion To Approve Second Read	Motion:ComadollSecond:MaasselTo approve second read of Ordinance No. 031-14				
Discussion	Hayberger stated there is no additional information since the first read.				
Passed Yea- 6 Nay- 0	Roll call vote to approve second read of Ordinance No. 031-14 Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-				
Second Read Of Ordinance No. 032-14	President Helberg read by title Ordinance No. 032-14, an Ordinance of Napoleon City Council changing the Zoning Map pursuant to 1125.02 of the Codified Ordinance of the City of Napoleon to reflect the amendment of the Zoning Classification for property located at 2269 Scott Street, Napoleon, Ohio from I-2 Open Industrial to C-4 Planned Commercial				
Motion To Approve Second Read	Motion: Ridley Second: Wilson To approve second read of Ordinance No. 032-14				

Discussion	Hayberger stated this Ordinance has previously been approved by the Planning Commission and there is no additional information since the first read.				
Passed	Roll call vote to approve second read of Ordinance No. 032-14				
Yea- 6	Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel				
Nay- 0	Nay-				
Second Read Of Resolution No. 033-14	President Helberg read by title Resolution No. 033-14, a Resolution adopting the 2015 Tax Budget for the City of Napoleon, Ohio, as required in Section 5705.28 of the ORC and directing the Finance Director to file the same with the County Auditor				
Motion To Approve	Motion: Marihugh Second: Maassel				
Second Read	To approve second read of Resolution No. 033-14				
Discussion	Hayberger stated there is no additional information since the first read.				
Passed	Roll call vote to approve second read of Resolution No. 033-14				
Yea- 6	Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel				
Nay- 0	Nay-				
Second Read Of Resolution No. 034-14	President Helberg read by title Resolution No. 034-14, a Resolution urging the Administration and the Congress of the United States to reject efforts to tax the interest on Municipal Bonds or otherwise alter the Federal Tax treatment or fundamental structure of Municipal Bonds ( <i>Suspension Requested</i> )				
Motion To Approve	Motion: Comadoll Second: Maassel				
Second Read	To approve second read of Resolution No. 034-14				
Discussion	Irelan urged Council to pass this Resolution under Emergency clause and Suspension so the information could be distributed as timely as possible; Bisher reminded Council that the City uses these bonds for projects. Hayberger stated that the Resolution must be amended to add the Emergency clause if Council approves its use.				
Motion To Amend Resolution No. 034- 14, Adding Emergency Clause	Motion: Marihugh Second: Ridley To amend Resolution No. 034-14 and add an Emergency Clause				
Passed	Roll call vote to approve amendment of Resolution No. 034-14				
Yea- 6	Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel				
Nay- 0	Nay-				
Motion To Suspend	Motion: Ridley Second: Marihugh				
The Rules	To suspend the rules requiring three readings				
Passed	Roll call vote on above motion:				
Yea- 6	Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel				
Nay- 0	Nay-				
Passed	Roll call vote to pass amended Resolution No. 034-14 under suspension of the rules				
Yea- 6	Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel				
Nay- 0	Nay-				

Motion To Untable Resolution No. 037-14	Motion:MaasselSecond:RidleyTo untable Resolution No. 037-14				
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-				
Discussion	Discussion resumed regarding previously Tabled Resolution No. 037-14, a Resolution authorizing the expenditure of funds over twenty-five thousand dollars (\$25,000.00) for the purpose of conducting the appraisals for properties that are included in the Appian Avenue Project, and to sole source said appraisals to O.R. Colan Associates, and declaring an Emergency <i>(Suspension Requested)</i>				
	Lulfs stated the additional appraisals requested by ODOT were for the acquisition of approximately twenty five (25) to forty (40) square feet of property required for the completion of the project, adding that nine (9) properties were added to the project, putting the total at greater than \$25,000, and because the contractor is not on the approved contractor list for the City, Lulfs deemed it more appropriate to get Council approval rather than using a Change Order.				
	Helberg asked if the original \$17,500 cost could be applied to the grant; Lulfs replied no, the City is required to pay for the design phase of the project and the grant can only be used for the construction phase of the project.				
	Lulfs stated the reason for the request for sole sourcing the project to O.R. Colan Associates is due to the recommendation by ODOT and O.R. Colan Associates did the appraisals for the Scott Street Project as well. Ridley asked what the appraisals will be used for; Lulfs replied the appraisals are an ODOT requirement, adding that because ODOT grant money will be used on this project, ODOT can require certain items such as appraisals.				
and the second se	Marihugh restated that he is opposed to the size and scope of this project.				
	Comadoll asked why the State was involved in a City project; Lulfs replied that because a \$1.6 million grant is being used toward the project, the grant requires ODOT guidelines be followed. Ridley asked the total cost of the project; Lulfs replied \$2.6 million, however this project incorporates the Sanitary Sewer Project that is part of the Long Term Control Plan as well, adding that ODOT will be paying for approximately eighty percent (80%) of the stone work associated with this project.				
Motion To Suspend The Rules	Motion: Ridley Second: Maassel To suspend the rules requiring three readings				
Passed Yea- 5 Nay- 1	Roll call vote on above motion: Yea- Helberg, Comadoll, Wilson, Ridley, Maassel Nay- Marihugh				
Passed Yea- 5 Nay- 1	Roll call vote to pass Resolution No. 037-14 under suspension of the rules Yea- Helberg, Comadoll, Wilson, Ridley, Maassel Nay- Marihugh				
Third Read Of Ordinance No. 026-14	President Helberg read by title Ordinance No. 026-14, an Ordinance amending Rules 6 and 8 of the City of Napoleon Rules for Water and Sewer Service to adopt a				

	revised rule regarding Sewer Lateral Responsibility					
Motion To Pass On Third Read	Motion: Ridley Second: Maassel To pass Ordinance No. 026-14 on third read					
Discussion	Hayberger stated there is no additional information since the second read.					
Passed Yea- 6 Nay- 0	Roll call vote to pass Ordinance No. 026-14 on third read Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-					
Third Read Of Ordinance No. 027-14	President Helberg read by title Ordinance No. 027-14, an Ordinance establishing Section 931.13 of the Codified Ordinances of the City of Napoleon which establishes a charge and rate for the costs of the Sewer Lateral Responsibility Rule					
Motion To Pass On Third Read	Motion: Ridley Second: Marihugh To pass Ordinance No. 027-14 on third read					
Discussion	Hayberger stated there is no additional information since the second read.					
Passed Yea- 6 Nay- 0	Roll call vote to pass Ordinance No. 027-14 on third read Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-					
Third Read Of Ordinance No. 028-14	President Helberg read by title Ordinance No. 028-14, an Ordinance amending Section 931.09 increasing Sanitary Sewer Rates for the years 2014, 2015, and 2016; effective July 1, 2014					
Motion To Pass On Third Read	Motion: Ridley Second: Wilson To pass Ordinance No. 028-14 on third read					
Discussion	Hayberger stated there is no additional information since the second read.					
Passed Yea- 6 Nay- 0	Roll call vote to pass Ordinance No. 028-14 on third read Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-					
GOOD OF THE CITY						
Discussion/Action Motion To Approve Billing Determinants	Motion:ComadollSecond:MaasselTo accept the recommendation for approval of May electric billing determinants as follows:Generation Charge: Residential @ \$0.08677; Commercial @ \$0.10393; Large Power @ \$0.05563; Industrial @ \$0.05563; Demand Charge Large Power @ \$14.36 Industrial @ \$15.02; JV Purchased Cost: JV2 @ \$0.04804; JV5 @ \$0.04804					
Discussion	None					
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-					
Award of Bid: Perry St. Parking Lot	Helberg abstained from discussion and voting regarding the award of the Perry Street Parking Lot Improvement Project.					

Improvements Project	Lulfs distributed a memo regarding the Perry Street Parking Lot Improvements Project; see attached.
	Lulfs reported that On Wednesday, May 14, 2014, bids were opened and read aloud for the Perry Street Parking Lot Improvements Project and five (5) bids for the two (2) options were submitted and read as follows: Concrete Option: Hohenbrink Excavating, L.L.C. \$74,565.00 Smith Paving & Excavating, Inc. \$74,806.00 Schimoeller Construction \$102,863.25
	Asphalt Option: Hohenbrink Excavating, L.L.C. \$67,425.00 Schimoeller Construction \$95,188.25
	The published Engineer's Estimate for this project is \$95,000.00 for the Concrete Option and \$86,000.00 for the Asphalt Option; this project consists of constructing a concrete or asphalt parking lot at the corner of N. Perry Street and W. Main Street where two (2) building were recently removed and the basement area was filled with stone, and the completion date for this project is August 9, 2014. Lulfs stated the lowest and best bid for both options was received from Hohenbrink Excavating, LLC; Lulfs recommended awarding to Hohenbrink Excavating, LLC the contract for the Concrete Option for the Perry Street Parking Lot Improvements in the amount of \$74,565.00.
	Lulfs stated that it is his Engineering opinion that asphalt should be used for streets and concrete should be used for parking lots, adding that many asphalt parking lots fail because of parked vehicles during the hot summer due to the weight of the vehicles causing the hot asphalt to deform, and in this instance this issue is compounded because the area was backfilled with six feet (6') of stone in December 2013; adding that although stone is frequently used as backfill material for utility trenches in the roadway, utility trenches usually have undisturbed earth relatively close together; most trenches are only four (4) or five (5) feet wide, and the area filled under this parking lot was sixty feet (60') by eighty feet (80'); adding that if the stone backfill settles two percent (2%), this could cause a void 1-1/2" deep. Hayberger added that this parking lot is City property and any opportunity to minimize the chance of liability should be taken. Marihugh stated that any property must be maintained. Irelan stated her concerns regarding having six (6) inches of stone under the parking lot, adding that she believes that concrete would make the structure more rigid.
	Maassel asked if this project would be completed this year; Lulfs replied that it is stated in the contract that if the project cannot be completed by the date of Ribfest then the project is not to be started before Ribfest, adding that the completion date of this project is stated as August 9, 2014 so the project is complete by the start of the fair.
	Comadoll asked how the fire hydrant would be handled; Lulfs stated that the fire hydrant will be protected if necessary and he will research this issue before the start of the project.
Motion To Award Perry St. Parking Lot Improvements	Motion: Marihugh Second: To award Perry St. Parking Lot Improvements Project asphalt option to Hohenbrink Excavating, LLC

Project To Hohenbrink Excavating, LLC – Asphalt Option			
Motion Died Due To Lack Of Second	Motion died due to lack of a second.		
Motion To Award Perry St. Parking Lot Improvements Project To Hohenbrink Excavating, LLC – Concrete Option	Motion: Wilson Second: Ridley To award Perry St. Parking Lot Improvements Project concrete option to Hohenbrink Excavating, LLC in the amount of \$74,565.		
Passed Yea- 4 Nay- 1 Abstain- 1	Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel Nay- Marihugh Abstain- Helberg		
Approval Of Change Order No. 1 (Final) For 2013 Misc. Concrete Street Improvements	Lulfs distributed a memo regarding Change Order No. 1 (Final) To Smith Paving & Excavating; see attached.		
	Lulfs requested Council approval of Change Order No. 1 (Final) for the 2013 Miscellaneous Concrete Street Improvements Project, adding that this is an increase of \$1,117.34.		
Discussion	Lulfs stated the final cost of this project is \$170,000, and this project was a 2013 project that was postponed due to the lack of manpower to inspect it. Lulfs reported that the funds are currently in the account to cover the cost of the original bid for the project but the change order amount will need to come out of this year's budget for improvements. Lulfs is requesting Council approval of the Change Order to close the project.		
Motion To Approve Change Order No. 1 (Final) For 2013 Misc. Concrete Street Improvements	Motion: Ridley Second: Comadoll To approve Change Order No. 1 (Final) for 2013 Miscellaneous Concrete Street Improvements		
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-		
Review Of AMPGS Settlement	A number of years ago the AMP Board decided to build a Clean Coal Fired Energy Plant to be located in Southern Ohio close to the Ohio River. This plant would replace the older Gorsuch Coal Fired Plant that was decommissioned and now tore down. The project was named the AMPGS Clean Coal Fired Project. AMP received Take or Pay commitments (subscriptions) from public entities to take power from the proposed plant. The City of Napoleon signed a take of pay contract for a 12,000 kW subscription on the new plant. The project received all its permits and land (site) was purchased to locate the plant along the Ohio River in Southern Ohio. Debt was issued to purchase property and to		

order major pieces of equipment, like generators and power handling items, which take long lead times to build. Final Debt issuance for building the project was pending project estimates from the prime contractor Bechtel Power. The original estimated final total project cost from Bechtel was \$3 billion, however, prior to actual construction and issuance of final construction debt, the estimates were raised by the contractor from \$3 billion to \$4 billion. This occurred in 2009 and was called the "October Surprise". Both the AMP Board and the project participants then cancelled the AMPGS Coal Fired Project and terminated its contract with Bechtel. A legal suit was filed against Bechtel in February, 2011, based on Bechtel's prior estimates, stating Bechtel acted wantonly or recklessly in performing the contract. AMP claimed they were entitled to nearly \$100 million in damages. In March of 2014, a Federal Judge's ruling limited the possible recovery of any damages to \$500,000. The result of this is Stranded Costs are now the responsibility of the participants to the project and must be booked.

It is noted, AMP and its participants decided to switch fuel from clean coal to a natural gas facility at the AMPGS plant site and development plans were brought forward to review this possibility. However, during this time, the Fremont facility, a natural gas electric generating facility that was substantially completed but not operational, previously purchased by First Energy, became available for AMP to purchase. Bisher added that a number of years prior, First Energy outbid AMP in acquiring the Fremont facility which led to substantial settlements for the primaries, and that included AMP. AMP decided to purchase the Fremont facility and not build a new natural gas facility on the AMPGS site at that time. The Fremont facility was developed and made operational, and preferred subscription options were given to the former AMPGS participants. The City did subscribe 6 MW to the Fremont facility. The AMP Board decided to keep the AMPGS site for possible future use.

Irelan stated the debt is \$820,991 and \$700,000 has been allocated and approved in the 2014/2015 Budget, and recommends utilizing the \$700,000 and paying the additional \$120,991 and leaving the property as a future asset with value; Irelan stated this would be a supplementary note in the Budget and there is no pressing action to fund the \$542,698. Bisher added that the hard assets lawsuits have been settled. Helberg reminded Council that a more favorable ruling may result in a refund of money. Ridley asked if this included the issue with Bechtel; Bisher stated that it does, and this discussion is the worst case scenario.

Motion: Marihugh Second: Maassel To accept Electric Committee recommendation to pay \$820,991 debt and leave property for future sale

Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-

Motion: Ridley Second: Wilson To not outsource Dispatch services

Motion To Accept Electric Committee Recommendation To Pay \$820,991 Debt And Leave Property For Future Sale

Passed Yea- 6 Nay- 0

GOOD OF THE CITY <u>Continued</u> Motion To Not Outsource Dispatch

Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-	
Wilson	Wilson is relieved and thanked the voters for appreciating the current Dispatch services and voting to not outsource it.	
Peddicord	None	
Irelan	None	
Hayberger	None	
Comadoll	None	
Marihugh	Marihugh echoed Wilson's remark regarding dispatch.	
	Marihugh requested Lulfs to continue to cold requires attention.	patch, adding that East Front Street
Behm	Behm reminded Council that the Memorial D May 26, and encouraged Council to attend.	ay parade will be held on Monday,
	Behm read a thank you card from the Girl Sco that was approved.	outs regarding the Dog Park Proposal
	Behm stated the Napoleon Area Schools will and invited Council to attend.	be hosting a naturalization ceremony
Helberg	Helberg received mail from a resident regardi Study; Helberg passed this issue to Irelan.	ng concern over the VanHyning I/I
	Helberg asked if the Hudson Street Project is is complete and he is in the process of complet asked Lulfs if grant money could be used for stated the cost of restoration is included in the would be reimbursed through a grant; Lulfs st the grant money was already received as a lur	eting the Final Change Order. Helberg the restoration of the property; Lulfs bid price. Helberg asked if the City tated that this was a CDBG project and
	Helberg asked Irelan to research the Performa that were to be studied were looked at; Irelan 2015.	
Maassel	Maassel received a compliment regarding the stated they had a tree removed and the Staff v added that the same residents were considerin and Zoning Official Zimmerman was courted	vas friendly and efficient. Maassel og putting up a fence on the property
	Maassel canceled the Finance & Budget Com May 27 due to lack of agenda items.	mittee meeting scheduled for Tuesday,
	Maassel stated that the City is in the first year by the EPA, and asked how this affected the C extension would be beneficial to the Sewer side	City's budget; Lulfs stated this
Council Meeting Minutes	10 of 12	5/30/2014

regarding choosing which projects to complete. Irelan stated that she and Lulfs have created a list of approximately twenty five (25) streets that will be prioritized based on need of repair; Irelan will be asking for a contractor to rate the streets based on structure and need of repair among other items giving data driven direction to the project.

Maassel reported that John Courtney, Courtney & Associates, reported on the full Cost of Service Study to the Electric Committee and Board of Public Affairs, stating that the base rate is appropriate. Maassel also reminded Council that Glenn Grisdale reported the community is aging and steps must be taken to encourage younger residents to move to the community and stay. Maassel believes the initiative must be taken to promote economic growth and suggested using the utility rate as a catalyst to get younger residents. Helberg added that the CIC is taking steps to prepare the workforce for the community's future labor needs, and Helberg had asked Courtney for comparisons of rates with competitors. Wilson agreed, adding that utilizing outlying communities may help with this initiative. Helberg asked if it would be possible to merge the Chamber of Commerce with the CIC, making it easier for residents to communicate with the appropriate departments; Hayberger stated they are two different entities and a merger is not possible. Irelan added that one is a governmental department while one is a nonprofit organization with separate goals and business structures. Irelan stated she has spoken with both entities and she will take the lead to move forward with Economic Development, adding that Municipal Properties, Buildings, Land Use & Economic Development Committee should meet more often to give direction to Council. Helberg added that community development fuels economic development, and asked if a consultant could be used since the CIC Director has changed quite regularly; Irelan will research this.

Maassel echoed Behm regarding the Memorial Day observance and encouraged participation.

Ridley stated that he is in favor of economic and community development, adding that Grisdale reported a population problem, Ridley believes there must be a strategic plan to get younger residents.

Ridley stated that spending has increased and income has decreased and although the residents voted to not outsource dispatch, Ridley believes the City must still look at streamlining as an option to cut costs.

Motion: Ridley Second: Maassel To go into Executive Session to discuss pending litigation

Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-**Into Executive Session** Council went into Executive Session at 8:29 pm.

**Motion To Come Out** Motion: Ridlev Second: Maassel To come out of Executive Session **Of Executive Session** 

> Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nav-

**Motion To Go Into** 

**Executive Session: Pending Litigation** 

Passed

Yea-6

Nay-0

Passed Yea-6

Nav-0

Ridlev

Out Of Executive Session	Council came out of Executive Session at 8:38 pm. President Helberg reported that the discussion was regarding pending litigation and no action was taken.	
Approval Of Bills	Bills and financial reports stand approved as presented with no objections.	
Motion To Adjourn	Motion:RidleySecond:MaasselTo adjourn the meeting.	
Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel Nay-	
Adjournment	Meeting adjourned at 8:39 pm.	
Approved:	John A. Helberg, Council President	
	Ronald A. Behm, Mayor	
	Gregory J. Heath, Finance Director/Clerk of Council	



## CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151 Gregory J. Heath, Director of Finance/Clerk of Council phone (419) 599-1235 fax (419)-599-8393 Web Page: www.napoleonohio.com E-mail: gheath@napoleonohio.com

DATE: May 30, 2014

TO: Members of City Council Ronald A. Behm, Mayor Monica S. Irelan, City Manager Trevor M. Hayberger, City Law Director

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

SUBJECT: Medicaid No Longer Covering Co-pays on Medicaid Dual Eligible Patients

On Tuesday, May 27, 2014, the Safety and Human Resources Committee of Council reviewed the issue of Medicaid no longer covering co-pays on Medicare patients that are Medicaid dual eligible patients. This is based on a letter received from Mr. Goodpaster, Senior Vice President, of MED3000 (now McKesson), the City's EMS Billing company, and his review of the change and its impact to the City. (Please See Attached Letter Dated April 25, 2014)

At the direction of the Committee I was to get with Mr. Goodpaster and verify if MED3000 could bill the co-pays for Medicare patients directly. I made this contact and was informed by Mr. Goodpaster their internal review of the issue is that Medicaid eligible patients CAN NOT be <u>Net Billed</u> for any of the co-pays from Medicare.

This stance is based on their understanding of Federal Law that states if your entity accepts Medicare or Medicaid payments, then it is payment in full and no Net Billing of rate differential is allowed. They feel this also applies to the Medicare co-pays on Medicaid dual eligible patients. He stated he would obtain a copy of the Federal Law and forward it to the City for the Law Director to review.

Again, this is another area where the State of Ohio has taken away revenues from the Cities by a unilateral move on their part. That is why the only option appears to be to lobby Medicaid to change their policy stance, as suggested in Mr. Goodpastor's letter.

The projected annual loss to EMS Revenues using 2013 data is \$15,900.

Attachment

City of Napoleon Office of Clerk 265 W Riverview PO Box 151 Napoleon, OH 43545-1748

April 25, 2014

Dear Jon Bisher,

Ohio Medicaid changed its processing policy effective January, 2014 and no longer covers co-pays due on Medicaid dual eligible patients. We want to explain what this processing change means to your community, share the financial impact it has on your EMS billing program and let you know who to contact at the State level to lobby for a change in policy if you think this is important.

Dual eligible patients are Medicaid patients that also have Medicare coverage as their primary insurance. Previously, Medicaid covered or paid the co-payment due from the patient as an insurance benefit after Medicare paid as the primary insurance. Typically this balance represents around \$75 per transport for dual eligible patients to your department.

We analyzed these secondary payments your department received in 2013, and project the impact of Medicaid's payment process change is an annual reduction in revenues of \$15,877.54 to your department. Your department and community will take a budget hit as a result of this Medicaid change.

McKesson, as your billing vendor, has placed a Public Records Request with Medicaid and asked for copies of budget estimates, memos and emails connected with this policy change. We will share that information with you as we learn more. You can lobby Medicaid to reverse this policy by contacting your state representative or by writing the State Medicaid Director at:

John B. McCarthy, Director Department of Medicaid 50 West Town Street, Suite 400 Columbus, OH 43215

Should you have additional questions please direct them to Meghan Creecy at (937)-353-1816 or <u>Meghan.Creecy@McKesson.com</u>. We appreciate the continued opportunity to provide EMS revenue management services to your department.

Best Regards,

Glenn Goodpaster Slem Soo pacto

Senior Vice President McKesson Business Performances

### 3131 NEWMARK DR. / MIAMISBURG, OH 45342

PHONE 937-291-7850 / FAX 937-291-2971 / www.mckesson-med3000.com

#### **RESOLUTION NO. 038-14**

#### A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2014

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2014, including but not limited to execution of Grant Agreement(s).

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 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, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

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

John A. Helberg, Council President

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

Ronald A. Behm, Mayor

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

Attest:

# Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 038-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

# **RESOLUTION NO. 039-14**

# A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO DIRECT PAYMENT OF \$820, 991.00 TO AMERICAN MUNICIPAL POWER, INC. FOR THE NET STRANDED LIABILITY FOR THE AMPGS PROJECT

**WHEREAS**, the City of Napoleon was a participating partner in the AMPGS project; and,

WHEREAS, the AMPGS project now has incurred stranded; and,

**WHEREAS**, the City of Napoleon's share of the net AMPGS stranded liability is \$820,991.00; and,

**WHEREAS**, the City of Napoleon has already budgeted \$700,000.00 for payment towards the said stranded costs; and,

**WHEREAS**, the Council for the City of Napoleon now desires to pay not only \$700,000.00 that was previously budgeted but also the remaining \$120,991.00 of the net stranded liability; now therefore,

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

Section 1. That, upon the effective date of this Resolution, the City Finance Director is hereby authorized to execute payment of \$820,991.00 to American Municipal Power, Inc. for the net stranded liability for the AMGS project.

Section 2. That, the Finance Director is authorized to transfer any funds necessary and legal to obtain the \$120,991.00 that was not previously budgeted.

Section 3. 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 4. 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 5. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed:			
			John A. Helberg, Council President
Approved:			
			Ronald A. Behm, Mayor
VOTE ON PASSAGE	_Yea	_ Nay	Abstain

Attest:

# Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 039-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



To:Dr. Jon Bisher, City ManagerFrom:Marc S. Gerken, P.E., President/CEOSubject:AMPGS Stranded Cost Payment OptionsDate:April 16, 2014

The purpose of this memo is to inform you, as a participant in the AMPGS project, the City of Napoleon's net AMPGS liability for stranded costs currently held on AMP's revolving line of credit facility (LOC) at March 31, 2014, including any payments made by the City, is \$820,991.00 (please see **Attachment A**). Stranded costs are subject to change, including future borrowings costs on the LOC. That amount does not include allocation of the \$34,881,074 Plant Held for Future Use potential liability.

Subject to the continued renewal of the LOC, AMP is prepared to assist the City with a payment plan of your choosing for a payback period of up to 15 years. The City may choose to include these payments as part of their monthly power invoice from AMP or pay their respective AMPGS liability in one or several lump sum payments. AMP prefers that these amounts would be invoiced to your municipality through the AMP monthly power supply invoices in order for these costs be recovered through your power cost adjustment. Please utilize **Attachment B** to this memo to make your selection, being sure an authorized signatory executes the document and returning **Attachment B** to the attention of Marty Engelman (mengelman@amppartners.org, 614-540-0851) at AMP headquarters, 1111 Schrock Rd, Columbus, OH 43229 by June 1, 2014.

AMP would like to emphasize the expectation that whatever payment option is chosen, the payment option should not cause the Electric Fund to exhibit an annual operating loss at any time during the payment period or cause the municipality to fail any covenants for its own debt service, AMP Joint Venture (JV) debt service if a participant in a JV, or reflect unfavorably on the municipal's AMP project participation.

As you have questions in deciding your payment options or would like assistance in determining the potential effects on your Electric Fund of a particular payment option under consideration, please contact Chris Deeter (cdeeter@amppartners.org, 614-540-0848) at AMP.

# ATTACHMENT A PAGE 1 OF 1

	Original Ordinance kW	AFEC Allocation kW	AMPGS Stranded Costs	AMPGS AFEC Credit	AMPGS Plt held future use Credit	Less Municipal Payments	Net AMPGS Stranded Liability
Napoleon	12,000	6,650	2,078,311	(714,622)	(542,698)	-	820,991
Plus: Potential P	lant Held for	r Future Use	e Liability				542,698
					Total		1,363,689

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# **RESOLUTION NO. 040-14**

# A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF CONDUCTING A COMBINED SYSTEM OPERATIONAL PLAN UPDATE, AND TO SOLE SOURCE SAID APPRAISALS TO STANTEC CONSULTING SERVICES INC., AND DECLARING AN EMERGENCY

**WHEREAS,** the Ohio EPA is requiring the City of Napoleon to update its Combined Sewer System Operational Plan; and,

**WHEREAS**, the update to the City of Napoleon's Combined Sewer System Operation Plan was included in the Master Bid Ordinance; and,

WHEREAS, the costs to update said Operational Plan exceeds \$25,000.00; and,

WHEREAS, the Ohio EPA would like this matter addressed by July 1, 2014, the City of Napoleon desires to sole source this project to Stantec Consulting Services, Inc. because of their intimate knowledge of the City's infrastructure (Stantec has been involved in the City's Long Term Control Plan, the development of the City's Sewer Model, and the expansion of the City's waste water treatment plant) will expedite the project; therefore, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; Now Therefore,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00, which was not on the Master Bid Ordinance, to update the City's Combined Sewer System Operational Plan.

Section 2. That, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 3. That, the City Manager is authorized to enter into a Contract with Stantec Consulting Services, Inc. to conduct said update.

Section 4. 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 5. 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 comply with the Ohio EPA's deadline which is related to public peace, health or safety accessible to our citizens; 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:	
	John A. Helberg, Council President
Approved:	

Ronald A. Behm, Mayor

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

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 040-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_\_ \_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

# **ORDINANCE NO. 031-14**

# AN ORDINANCE TO APPROVE CURRENT JANUARY 2014 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

**WHEREAS**, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; Now Therefore,

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

Section 1. That, the ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the January 2014 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

#### Traffic Code

301.04	Bicycle. (Amended
313.03	Traffic Signal Indications. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.03	Maximum Speed Limits. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)

Section 3. That, the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

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

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

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

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

Ronald A. Behm, Mayor

John A. Helberg, Council President

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

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 031-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

# **ORDINANCE NO. 032-14**

# AN ORDINANCE OF NAPOLEON CITY COUNCIL CHANGING THE ZONING MAP PURSUANT TO 1125.02 OF THE CODIFIED ORDINANCE OF THE CITY OF NAPOLEON TO REFLECT THE AMENDMENT OF THE ZONING CLASSIFICATION FOR PROPERTY LOCATED AT 2269 SCOTT STREET, NAPOLEON, OHIO FROM I-2 OPEN INDUSTRIAL TO C-4 PLANNED COMMERCIAL

**WHEREAS**, First Federal Bank of the Midwest has successfully filed an application with the City of Napoleon Planning Commission seeking to change the zoning classification of 2269 Scott Street of Napoleon, County of Henry, State of Ohio from I-2 Open Industrial to C-4 Planned Commercial; and,

**WHEREAS**, the Planning Commission in PC-13-02 did make a recommendation to approve the zoning change; and,

**WHEREAS**, the Council for the City of Napoleon did, in an open meeting, approve said reclassification, Now Therefore,

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

Section 1. That, the official zone map of the City be amended to reflect the change in zoning classification for 2269 Scott Street, City of Napoleon, County of Henry, State of Ohio from I-2 Open Industrial to C-4 Planned Commercial, said property being a partition of Lot #5 of the MWT subdivision being part of the East half of Section 11, Town -5-North, Range -6- East, Napoleon Twp., City of Napoleon Henry County, Ohio a total of 3.839 acres, as seen on **Exhibit "A"**, which is attached and incorporated herein.

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

Section 3. That, this Ordinance 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: \_\_\_\_\_

John A. Helberg, Council President

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

Ronald A. Behm, Mayor

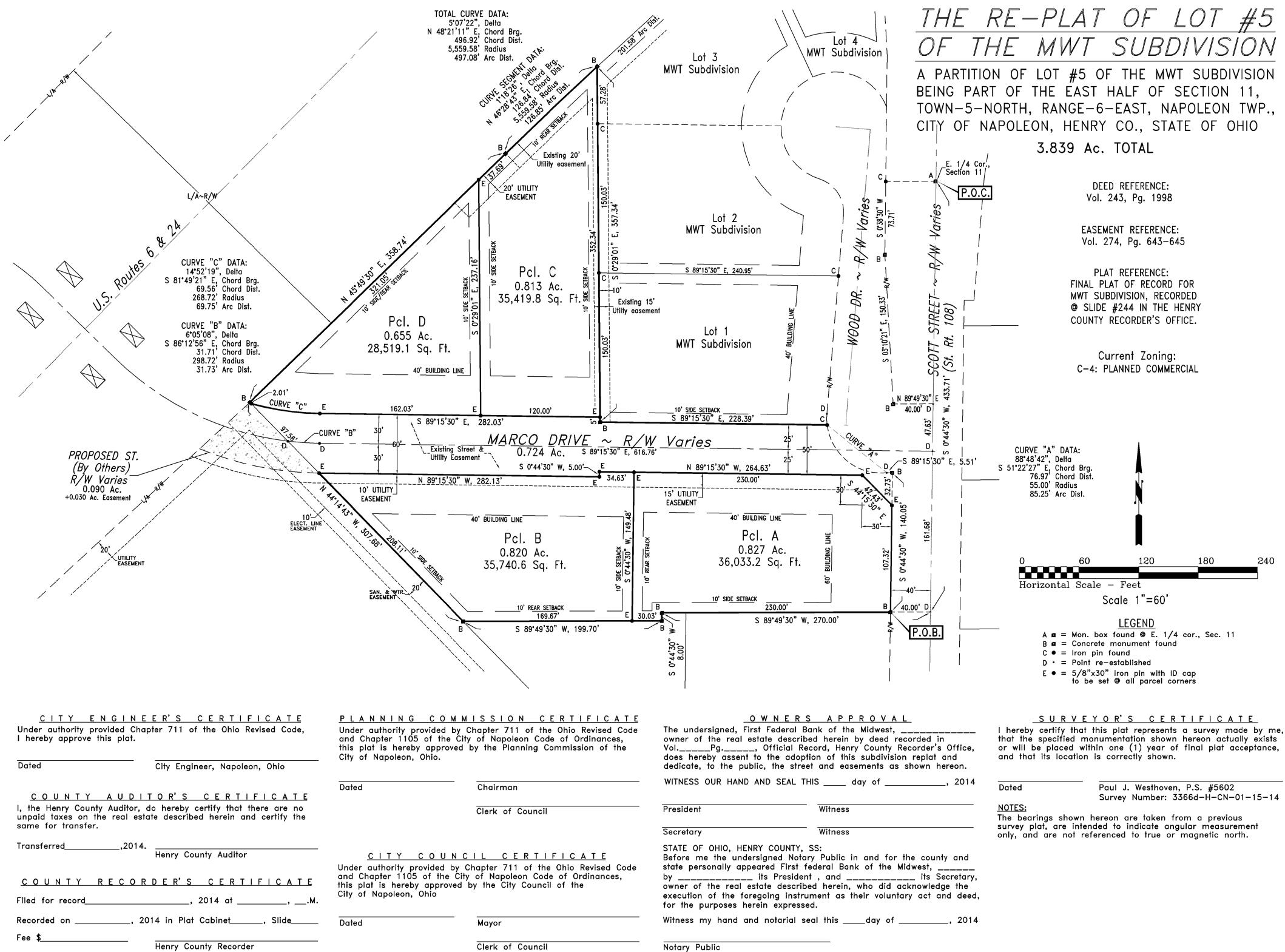
VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 032-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_

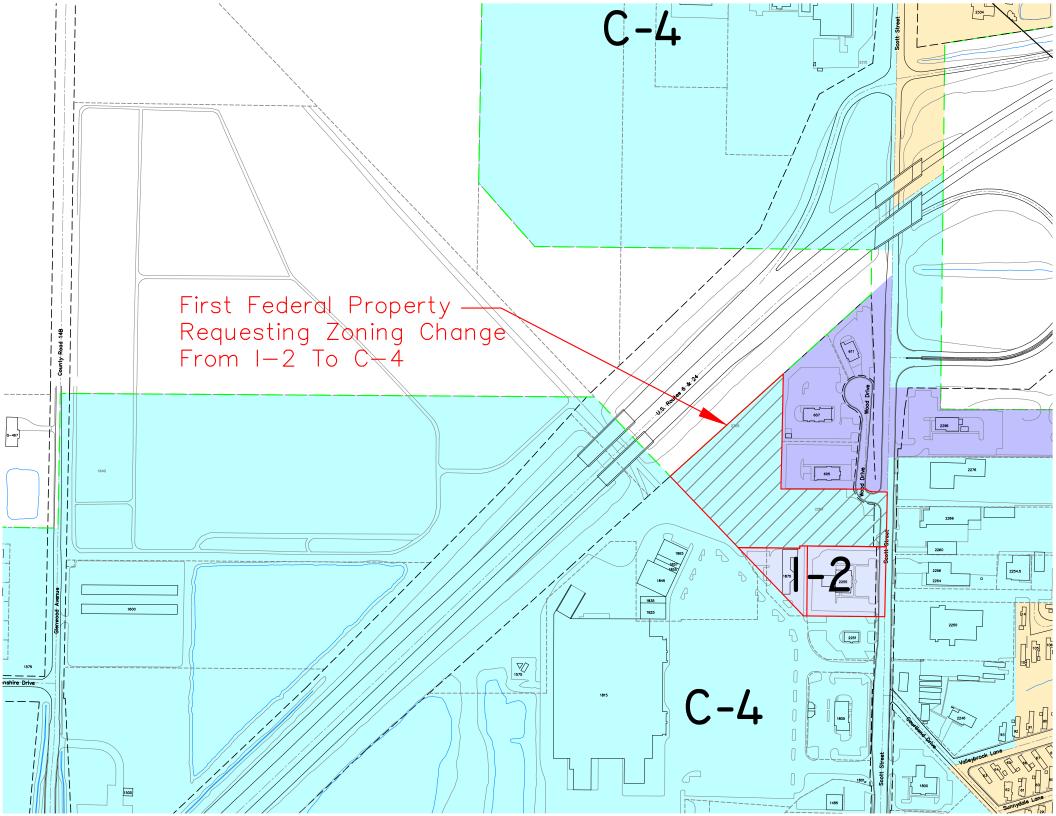
\_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



ident	Witness

DRAWN BY: R.D.S.~NEW DIMENSIONS



# **RESOLUTION NO. 033-14**

# A RESOLUTION ADOPTING THE 2015 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTION 5705.28 OF THE ORC AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR

**WHEREAS**, at least two (2) copies of the Tax Budget have been on file with the Finance Director for public inspection not less than ten (10) days before its adoption; and,

**WHEREAS**, the Finance and Budget Committee of Council, by and through the Finance Director, has prepared a Tax Budget pursuant to Article II, Sec. 2.13 of the City's Charter; and,

**WHEREAS**, a Public Hearing will be held on June 2, 2014 concerning this 2015 Tax Budget.

**WHEREAS**, the 2015 Tax Budget must be adopted on or before July 15<sup>th</sup>, 2014, now therefore

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

Section 1. That, the City Council of Napoleon, Ohio adopts the 2015 Tax Budget, as required by Section 5705.28 ORC, in the form presented to Council and currently on file in the Office of the Finance Director and marked as the 2015 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2015 Tax Budget with the County Auditor on or before July 20, 2014.

Section 3. 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 4. 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 5. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

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

John A. Helberg, Council President

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

Ronald A. Behm, Mayor

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

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 033-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_\_ \_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



# **CITY OF NAPOLEON, OHIO**

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151 Gregory J. Heath, Director of Finance/Clerk of Council phone (419) 599-1235 fax (419)-599-8393 Web Page: www.napoleonohio.com E-mail: gheath@napoleonohio.com

DATE: April 25, 2014

- TO: Members of City Council; Ronald A. Behm, Mayor Dr. Jon A. Bisher, City Manager, Monica S. Irelan, Acting City Manager, Trevor M. Hayberger, City Law Director All Department/Division Heads
- FROM: Gregory J. Heath, Finance Director/Clerk of Council
- SUBJECT: **2015 Tax Budget & 2015 Appropriation Budget Proposed Schedules** (General Steps and Timetable for Preparation, Submission and Adoption)

The following information outlines the various legal steps and proposed timetables for the preparation, submission and adoption of the <u>2015 Tax Budget</u> and the <u>2015 Appropriation Budget</u>:

# TAX BUDGET:

The **Tax Budget**, as adopted and approved by City Council, and then Certified by the County, serves two (2) primary purposes;  $\underline{1}^{st}$  is to establish the "need level" for the property tax levied inside the 10 mill limitation as set forth in the Ohio Revised Code (ORC), Sections 5705.01 to 5705.47; the  $\underline{2}^{nd}$  is to set the maximum available resources the City may Appropriate in its <u>Annual Appropriation Budget</u>. The **Tax Budget** is adjusted for *Fund Balance Carryover* and *Revised Revenue Estimates* at the end of the year and becomes the basis for the "<u>Official Certificate of Estimated Resources</u>", and is used to determine the Maximum Appropriation level by Fund.

**NOTE:** In 1998, the County adopted by Resolution a revised procedure pursuant to ORC Section 5705.281 that waves the requirement to file a formal **Tax Budget**. The revised procedure eliminates the need to list all funds and projected expenditures, and only lists *Property Tax Levies* and *Inside 10 Mill Levy* amounts.

Previous to 1998, the **Tax Budget** served to demonstrate the "RELATIVE NEED", following the Statutory Formula in ORC Section 5747.51; for both the <u>Undivided Local Government Fund</u> and <u>Real and Personal Property Taxes</u> levied within the ten (10) mill non-voted limitation.

In Henry County, the Alternate Method (ORC Sections 5747.53 & 5747.63), was adopted to compute the <u>Undivided Local Government Fund Allocation (LGF)</u>. The formula is <u>population based</u> and was formally accepted by all Subdivisions in the County at that time. This process has been used for many years to determine the allocation of LGF funds, and is subject to periodic review and potential change. For the City, the primary function of the current **Tax Budget** is to certify the Inside Ten (10) Mill Property Tax that is levied by the City.

(Tax Budget and Appropriation Budget - Continued Next Page) B-140411-2015-TAX-APP-BUDGET-SCHEDULE Page 1 of 5

(Tax Budget and Appropriation Budget - Continued)

At <u>Year End</u> the <u>Unencumbered (Net) Fund Balance</u> (Cash Balance less Open PO's) plus Revenue Estimates for each respective Fund are Certified to the County by the City. The County Auditor certifies back to the City the <u>First Amended Official Certificate of Estimated Resources</u>.

The City may legally Appropriate Funds <u>Up-To</u> the amount listed on the <u>First Amended Official</u> <u>Certificate of Estimated Resources</u> for each Fund. Adjustments to the <u>First Amended Official</u> <u>Certificate of Estimated Resources</u> may be made only when the <u>Estimated Receipts</u> are exceeded or reduced by an <u>Actual Amount</u>; or, if a <u>New and Unanticipated source of Revenue or Loss of a Current</u> <u>Revenue</u> occurs. (Example: An *Increase* in Water or Sewer Rates, or a New Tax; conversely a *Decrease* in certain sources like Income Tax Revenue, or Interest Earnings, all occurring after submission of the original <u>First Amended Official Certificate of Estimated Resources</u>)

# **APPROPRIATION BUDGET:**

The **Appropriation Budget**, as formally adopted by City Council, establishes the <u>Maximum Allowable</u> <u>Expenditures by *Fund*, *Department and Category* (Personal Services and Other), through the use of Appropriations for the City's Fiscal Year. The **Appropriation Budget** must be passed in either a *Temporary* or *Final* form on or about January 1<sup>st</sup> of each year. The *Final* Appropriation Budget must be passed no later than March 31<sup>st</sup> of each respective budgetary year.</u>

The process followed in the development of the **Appropriation Budget** covers both <u>Revenues</u> and <u>Expenditures</u>. The final document will establish detailed revenue and expenditure guidelines and give formal approvals to submitted requests of all <u>City Departments</u>, <u>Divisions</u>, <u>Boards and Commissions</u>.

The **Appropriation Budget** is limited to the amounts Certified by each Fund as listed in the <u>First</u> <u>Amended Official Certificate of Estimated Resources</u>; as may be amended from time to time.

I have attached a Proposed Schedule of Dates for the preparation and adoption of the <u>2015 TAX</u> <u>BUDGET</u> and the <u>2015 APPROPRIATION BUDGET</u>. Some of these dates are statutory (Set by the ORC).

Please call me if you have any questions on the proposed schedule and process for preparing the <u>2015</u> <u>TAX BUDGET</u> and the <u>2015 APPROPRIATION BUDGET</u>.

I can be reached at 419-599-1235.

Thank you.

Gregory J. Heath Finance Director/Clerk of Council

Attachment

# TAX BUDGET PROCESS

> April 1, 2014 ORC 5705.28	-	Under the <i>ORC statutory code</i> , Departments, Divisions, Boards and Commissions are requested to submit an estimate of contemplated Revenues and Expenditures for 2015 by the 1 <sup>st</sup> of June.	
		NOTE:	This step is <i>Not Necessary</i> with the <i>Alternate Method</i> for the allocation of the Undivided Local Government <u>Fund</u> . Actual Department Budgets receive consideration when they submit their <b>2015 Appropriation Budgets</b> requests. (See <u>APPROPRIATION BUDGET PROCESS</u> .)
> May 5, 2014 On or Before 1 <sup>st</sup> Monday in May	-	Finance Director is to certify to City Council any amounts necessary to provide payment for final judgments (if any).	
ORC 5705.08		NOTE:	At this time and date, no certification is required for 2015, the City did not have any Final Judgments outstanding.
> May 5, 2014 ORC 5705.28	-		rector to present the <b>2015 Tax Budget</b> in its tentative y Council for consideration and study.
ORC 5705.281		NOTE:	Only the inside ten (10) mill limit allocation is presented. at this time. ORC 5747.53 & 5747.63 allows an alternate method or formula to be adopted, this was done in 1998. In turn, this allows County Budget Commission to waive the requirement of a formal full "Tax Budget".
> May 5, 2014 ORC 5705.28	-	First (1 <sup>st</sup> ) R	ead on Resolution to Adopt the 2015 Tax Budget.
> May 5, 2014 ORC 5705.30	-	Director and	<b>D15 Tax Budget (2 Copies)</b> on File with the Finance d City Council, minimum of ten (10) days prior to adoption days prior to a required <u>Public Hearing</u> . NLT -05/22/2014.
		NOTE:	Council is requested to set a <u>Public Hearing</u> for <u>Monday</u> , <u>June 2, 2014</u> , on the <b>2015 Tax Budget</b> .
> May 19, 2014 ORC 5705.28	-	2 <sup>nd</sup> Read on	Resolution to Adopt the 2015 Tax Budget.
ORC 5705.28 > May 22, 2014 On or Before	-	Publication	of <u>Public Hearing Notice</u> for meeting on June 2 <sup>nd</sup> for a ring on <b>2015 Tax Budget</b> as established by City Council.
ORC 5705.28 > May 22, 2014	-	Publication	of <u>Public Hearing Notice</u> for meeting on June 2 <sup>nd</sup> for a

# NOTE: <u>Not Normally Requested at this Time</u>.

(Tax Budget Process - Continued Next Page) B-140411-2015-TAX-APP-BUDGET-SCHEDULE Page 3 of 5

(Tax Budget Process - Continued)

> June 2, 2014 ORC 5705.30	-	Public Hearing on 2015 Tax Budget.
> <b>June 2, 2014</b> ORC 5705.28	-	3 <sup>rd</sup> Read on Resolution to Adopt the 2015 Tax Budget.
> <b>July 2, 2014</b> ORC 5705.28	-	<i>Effective Date of Resolution</i> to Adopt the <b>2015 Tax Budget</b> . <b>2015 Tax Budget</b> must be adopted on or before <b>July 15, 2014</b>
> July 15, 2014 On or Before ORC 5705.28	-	<b>2015 Tax Budget</b> must be adopted by City Council on or before this date.
> July 20, 2014 On or Before ORC 5705.30	-	<b>2015 Tax Budget</b> must be submitted to the County Auditor on or before this date.
ORC 5705.50		NOTE: The statutory penalty for failure to meet these time frames shall result in the <b>LOSS</b> of the City's share of the <b>Undivided Local Government Fund</b> .
> September 1, 2014 - On or Before ORC 5705.27-34	-	The County Budget Commission shall certify back to the City the <b>Official Certificate of Estimated Resources</b> . This certification includes an estimate of the rate of each tax necessary to be levied, and the apportionment of the Year 2015 Undivided Local Government Fund to the City.
> September 2, 2014 or- September 15, 2014 ORC 5705.34	-	City Council to authorize <i>1<sup>st</sup> Read on Resolution</i> the <i>Inside 10 Mill Tax Levies</i> listed in the <b>2015 Tax Budget</b> , and <i>Special Assessments</i> for the <b>2014 Tax Duplicate</b> , collected in 2015. These amounts must be certified back to the County Auditor on or before <b>October 1, 2014 per the ORC</b> .
> September 15, 2014 - ORC 5705.34	-	2 <sup>nd</sup> Read (and Passage with <u>Suspension</u> and <u>Emergency</u> ) on Resolution to Adopt the <u>Inside 10 Mill Tax Levies</u> listed in the <b>2015 Tax Budget</b> , and <u>Special Assessments</u> for the <b>2014 Tax Duplicate</b> , collected in 2015. These amounts must be certified back to the County Auditor on or before <b>October 1, 2014</b> .
		<b>NOTE:</b> <u>Suspension</u> and <u>Emergency</u> are required on the Resolution in order to meet the ORC imposed date of October 1.
> October 1, 2014 - On or Before ORC 5705.34	-	City must certify back to the County Auditor amounts listed in the <b>2015 Tax Budget</b> for the <i>Inside 10 Mill Tax Levies</i> , including any <i>Special Assessments</i> for the <b>2014 Tax Duplicate</b> , amounts collected in 2015.

# **APPROPRIATION BUDGET PROCESS**

> August 4, 2014 -	Departments, Divisions, Boards and Commissions should be notified by the City Manager and Finance Director to prepare and submit by <u>September 2, 2014</u> , their detailed <b>2015 Appropriation Budget</b> <b>Requests</b> on the forms provided.	
	<b>NOTE:</b> <u>Personal Service and Debt Information</u> will be provided to all Departments, Divisions, Boards and Commissions by the Finance Department. The <u>Other Category</u> requests are those prepared by Department/Division Heads.	
> September 2, 2014 -	Departments, Divisions, Boards and Commissions to submit their <b>2015 Appropriation Budget Requests</b> to the City Manager.	
> September 2, 2014 - to October 2, 2014	City Manager to review the <b>2015</b> Appropriation Budget Requests with the Departments/Divisions and prepare Council presentation.	
> October 6, 2014 - to November 17, 2014 Charter Sec. 2.13	City Manager to review the <b>2015 Appropriation Budget Requests</b> with the <b>Finance and Budget Committee of City Council</b> .	
Charter Sec. 2.15	<b>NOTE:</b> F & B Committee to schedule Budget Reviews as needed.	
> November 24, 2014 - Charter Sec. 2.13	Final changes to the <b>2015 Appropriation Budget Requests</b> made by <b><u>Finance and Budget Committee of City Council</u>.</b>	
> December 1, 2014 or- December 15, 2014 Charter Sec. 2.13	Mayor presents <b>2015 Appropriation Budget</b> to City Council as recommended by the <b>Finance and Budget Committee of City Council</b> . (This is required by <i>City Charter</i> .)	
> December 2, 2014 or- December 15, 2014 ORC 5705.38	City Council to adopt <i>Temporary</i> or <i>Final</i> <b>2015</b> Appropriation Budget. <i>I<sup>st</sup> Read on 2015 Appropriation Ordinance and Transfer Resolution</i> to adopt the <b>2015 Appropriation Budget.</b>	
> December 15, 2014 or- December 22, 2014 ORC 5705.38	2 <sup>nd</sup> Read (and Passage with <u>Suspension</u> and <u>Emergency</u> ) on 2015 Appropriation Ordinance and Transfer Resolution to adopt the 2015 Appropriation Budget. (Special Meeting December 22, if Necessary.)	
	<b>NOTE:</b> <u>Suspension</u> and <u>Emergency</u> are required on the Resolution in order to meet the ORC imposed date of January 1.	
> January 1, 2015 On or About ORC 5705.36	City Council must adopt a <i>Temporary</i> or <i>Final Budget</i> . The Finance Director must certify to the County Auditor the actual <u>Unencumbered</u> <u>Balances of each Fund</u> .	
> January 31, 2015 - ORC 5705.36	County Auditor certifies the <b>First Official Amended Certificate of</b> <b>Estimated Resources</b> for 2015 to the City.	
> March 31, 2015 - On or Before ORC 5705.38	City Council must have passed the <i>Final 2015 Appropriation</i> <i>Budget</i> , if not already passed.	
· · ··································	Statit II i the second for the Very 2016 D 1 i	



Department of Treasury Internal Revenue Service Ogden UT 84201-0074

Notice	CP152A	
Tax period	December 31, 2013	
Notice date	November 25, 2013	
Employer ID number	34-6400941	
To contact us	Phone 1-877-829-5500	
	FAX 801-620-5670	

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# 



18707

CITY OF NAPOLEON OHIO 255 W RIVERVIEW AVE NAPOLEON OH 43545

Acknowledgment of your December 1, 2013 Form 8038-CP and notice of reduction to your credit payment We received your tax-advantaged bond form

This notice serves as official acknowledgment	Tax-advantaged bond information			
that we received your Form 8038-CP. If you filed more than one form, you will receive a separate	Bond issuer	CITY OF NAPOLEON OHIO		
acknowledgment for each one.	Name of issue	SEWER SYSTEM IMPROVEMENT REVENUE BO		
acknowledginent for each one.	Address	255 W RIVERVIEW AVE		
		NAPOLEON OH 43545		
	CUSIP number	630721AQ1		
	Issue date	July 20, 2010		
	Interest payment date	December 1, 2013		
	Credit interest payment	\$39,906.57		
	IRS report number	800		
	your refundable credit payment rate will be applied until the end	6431 applicable to certain qualified bonds. As a result, will be reduced by 7.2%. The sequestration reduction d of the fiscal year (September 30, 2014) or intervening time the sequestration rate is subject to change.		
Important reminders	this tax-advantaged bond. • If a tax practitioner or someor	o all of your correspondence and documents related to ne else prepared your form, you may want to give them was automatically sent to all representatives		



Department of Treasury Internal Revenue Service Ogden UT 84201-0074

Notice	CP152A	
Tax period	June 30, 2013	
Notice date	May 13, 2013	
Employer ID number	34-6400941	
To contact us	Phone 1-877-829-5500	
	FAX 801-620-5670	

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# 

CITY OF NAPOLEON OHIO 255 W RIVERVIEW AVE NAPOLEON OH 43545

1051

Acknowledgment of your June 1, 2013 Form 8038-CP and notice of reduction to your credit payment We received your tax-advantaged bond form

This notice serves as official acknowledgment	Tax-advantaged bond information			
that we received your Form 8038-CP. If you filed more than one form, you will receive a separate	Bond issuer CITY OF NAPOLEON OHIO			
acknowledgment for each one.	Name of issue	SEWER SYSTEM IMPROVEMENT REVENUE BO		
acknowledgment for each one.	Address	255 W RIVERVIEW AVE		
		NAPOLEON OH 43545		
	CUSIP number	630721AQ1		
	Issue date	July 20, 2010		
	Interest payment date	June 1, 2013		
	Credit interest payment	\$39,906.57		
	IRS report number	800		
	Internal Revenue Code section 6431 applicable to certain qualified bonds. As a result, your refundable credit payment will be reduced by 8.7%. The sequestration reduction rate will be applied until the end of the fiscal year (September 30, 2013) or intervening Congressional action, at which time the sequestration rate is subject to change.			
Important reminders	<ul> <li>this tax-advantaged bond.</li> <li>If a tax practitioner or someon a copy of this notice. (A copy authorized with a Power-of-A</li> </ul>	designated a trustee to receive your credit payment,		

#### 06/29/2010 Sewer Revenue RZEDBs Bonds

# City of Napoleon, Ohio

Sewer Revenue - RZEDBs - Baird bid \$2,535,000 Principal Issued Debt Service Schedule

Date	Annual Principal	Coupon Interest Rate	Annual Interest	Total P+I Excluding Federal Subsidy	Federal Subsidy @ 45% on Interest	Actual Federal Subsidy Received	Actual Federal Subsidy Percentage % Paid	Dollar Difference Due To Sequestration	Percentage % (Reduction) to Interest Subsidy	Net Total P+I Projected Paid b City
12/01/2010	\$0.00	-	\$0.00	\$0.00	(\$29,681.73)	\$29,681.73	-100.0000%	\$0.00	0.0000%	(\$29,681.7
12/01/2011	\$20,000.00	6.000%	\$247,221.91	\$267,221.91	(\$81,568.12)	\$81,568.12	-100.0000%	\$0.00	0.0000%	\$185,653.7
12/01/2012	\$45,000.00	6.000%	\$180,062.50	\$144,034.38	(\$81,028.12)		-99.5268%	(\$383.44)	-0.4732%	\$63,389.7
12/01/2013	\$45,000.00	6.000%	\$177,362.50	\$142,549.38	(\$79,813.12)		-92.0525%	(\$6,343.16)	-7.9475%	\$69,079.4
12/01/2014	\$45,000.00	6.000%	\$174,662.50	\$141,064.38	(\$78,598.12)	× ·	-92.8000%	(\$5,659.06)	-7.2000%	\$68,125.3
12/01/2015	\$45,000.00	6.000%	\$171,962.50	\$139,579.38	(\$77,383.12)		-92.8000%	(\$5,571.58)	-7.2000%	\$67,767.8
12/01/2016	\$50,000.00	6.000%	\$169,262.50	\$143,094.38	(\$76,168.12)		-92.8000%	(\$5,484.10)	-7.2000%	\$72,410.3
12/01/2017	\$50,000.00	6.000%	\$166,262.50	\$141,444.38	(\$74,818.12)	2	-92.8000%	(\$5,386.90)	-7.2000%	\$72,013.
12/01/2018	\$55,000.00	6.000%	\$163,262.50	\$144,794.38	(\$73,468.12)	\$68,178.42	-92.8000%	(\$5,289.70)	-7.2000%	\$76,615.
12/01/2019	\$55,000.00	6.000%	\$159,962.50	\$142,979.38	(\$71,983.12)	\$66,800.34	-92.8000%	(\$5,182.78)	-7.2000%	\$76,179
12/01/2020	\$55,000.00	6.000%	\$156,662.50	\$141,164.38	(\$70,498.12)		-92.8000%	(\$5,075.86)	-7.2000%	\$75,742
12/01/2021	\$60,000.00	7.250%	\$153,362.50	\$144,349.38	(\$69,013.12)		-92.8000%	(\$4,968.94)	-7.2000%	\$80,305
12/01/2022	\$65,000.00	7.250%	\$149,012.50	\$146,956.88	(\$67,055.62)	2	-92.8000%	(\$4,828.00)	-7.2000%	\$84,729
12/01/2023	\$65,000.00	7.250%	\$144,300.00	\$144,365.00	(\$64,935.00)		-92.8000%	(\$4,675.32)	-7.2000%	\$84,105
12/01/2024	\$70,000.00	7.250%	\$139,587.50	\$146,773.13	(\$62,814.37)	\$58,291.74	-92.8000%	(\$4,522.63)	-7.2000%	\$88,481
12/01/2025	\$70,000.00	7.250%	\$134,512.50	\$143,981.88	(\$60,530.62)	1	-92.8000%	(\$4,358.20)	-7.2000%	\$87,809
12/01/2026	\$75,000.00	7.250%	\$129,437.50	\$146,190.63	(\$58,246.87)		-92.8000%	(\$4,193.77)	-7.2000%	\$92,137
12/01/2027	\$80,000.00	7.250%	\$124,000.00	\$148,200.00	(\$55,800.00)	1	-92.8000%	(\$4,017.60)	-7,2000%	\$96,417.
12/01/2028	\$85,000.00	7.250%	\$118,200.00	\$150,010.00	(\$53,190.00)		-92.8000%	(\$3,829.68)	-7.2000%	\$100,649
12/01/2029	\$90,000.00	7.250%	\$112,037.50	\$151,620.63	(\$50,416.87)	-	-92.8000%	(\$3,630.01)	-7.2000%	\$100,043.
12/01/2030	\$95,000.00	7.250%	\$105,512.50	\$153,031.88	(\$47,480.62)		-92.8000%	(\$3,418.60)	-7.2000%	\$108,969
12/01/2031	\$100,000.00	7.500%	\$98,625.00	\$154,243.75	(\$44,381.25)		-92.8000%	(\$3,195.45)	-7.2000%	\$113,057
12/01/2032	\$105,000.00	7.500%	\$91,125.00	\$155,118.75	(\$41,006.25)		-92.8000%		-7.2000%	\$113,037
12/01/2033	\$110,000.00	7.500%	\$83,250.00	\$155,787.50	(\$37,462.50)		-92.8000%	(\$2,697.30)	-7.2000%	\$121,022
12/01/2034	\$120,000.00	7.500%	\$75,000.00	\$161,250.00	(\$33,750.00)	1	-92.8000%		-7.2000%	\$121,022 \$129,930
12/01/2035	\$125,000.00	7.500%	\$66,000.00	\$161,300.00	(\$29,700.00)		-92.8000%	,	-7.2000%	1
12/01/2036	\$135,000.00	7.500%	\$56,625.00	\$166,143.75	1	1	-92.8000%	,	-7.2000%	\$133,738
12/01/2037	\$140,000.00	7.500%	\$46,500.00	\$165,575.00	(\$20,925.00)		-92.8000%		-7.2000%	
12/01/2038	\$150,000.00	7.500%	\$36,000.00	\$169,800.00	(\$16,200.00)	· -	-92.8000%		-7.2000%	
12/01/2039	\$160,000.00	7.500%	\$24,750.00	\$173,612.50	1		-92.8000%			
12/01/2040	\$170,000.00	7.500%	\$12,750.00				-92.8000%	. ,	-7.2000% -7.2000%	

# == 2014 through 2040 Assumes a 7.2% Subsidy Reduction ==

Total	<b>FO COE 000 00</b>									
Totai	\$2,535,000.00	-	\$3,667,271,91	\$4,663,249,49	/1 CEO 070 071	<b>#4 5 ( ) 0 10 00</b>				
999994 brownia			40,001,271.01	\$4,00J,243,43	(1,650,272.27)	\$1,544,316.69	<i>-93.5795%</i>	(105,955.58)	-6.4205%	\$3,118,932.80
							50.07 55 /6	(100,000.00)	-0.420376	49,110,995,00



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: From:	Monica Irelan, City Manager Chad E. Lulfs, P.E., P.S., Director of Public Works
cc:	Mayor & City Council
	Greg Heath, City Finance Director
Date:	June 2, 2014
Subject:	Kenilworth Area Inflow & Infiltration Removal
	Project (L.T.C.P. Project No. 16B)
	Change Order No. 1 – Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 1 – Final is \$15,856.07. The final project cost is \$313,346.07.

I request that Council approve Change Order No. 1 – Final to allow us to close out this project.

CEL

# **CHANGE ORDER**

No. 1 (FINAL)

# PROJECT

Kenilworth Area Inflow & Infiltration Removal Project (L.T.C.P. Project No. 16B)

# OWNER

City of Napoleon 255 W. Riverview Ave., P.O. Box 151 Napoleon, OH 43545

# CONTRACTOR

Vernon Nagel, Inc. O-154 Co. Rd. 11C Napoleon, Ohio 43545

# DATE OF ISSUANCE

May 15, 2014

# ENGINEER

Chad E. Lulfs, P.E., P.S. City Engineer

CONTRACT FOR:Kenilworth Area Inflow & Infiltration RemovalYou are hereby directed to proceed promptly with the following change(s):DESCRIPTION:Work completed, final quantity adjustmentATTACHMENTS - (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim Order based thereon will involve one of the following methods of determining the effect of the chang

Method of Determining Change In **CONTRACT PRICE** 

□ Time and Materials

- □ Unit Prices
- □ Cost Plus Fixed Fee
- Other

Estimated Increase/<del>Decrease</del> in **CONTRACT PRICE** \$15,856.07 If the Change involves an Increase, the estimate

is not to be exceeded without further authorizati

**Recommended** CITY of NAPOLEON Method of Determining Change In CONTRACT TIME

Contractor's Records

- Engineer's Records
- Other

Estimated Increase/Decrease in CONTRACT TIME days If the Change involves an Increase, the estimate to be exceeded without further authorization.

Accepted

VERNON NAGEL, INC. Contractor

by:

Chad E. Lulfs, P.E., P.S.; City Engineer

Authorized

Monica Irelan, City Manager

Original Contract Prior to this Change Order Increase / <del>Decrease</del> Resulting from this Change Order Current Contract Price, Including this Change Order

\$297,490.00 \$15,856.07 \$313,346.07

# FINAL CHANGE ORDER

# NAME of PROJECT - Kenilworth Area Inflow & Infiltration Removal Project CONTRACTOR - Vernon Nagel, Inc.

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
ROAI	DWAY							
1	Clearing and Grubbing	1.00	1.00	0.00	LS	\$3,500.00	\$0.00	\$0.00
2	Concrete Curb Removal	80.00	245.50	165.50	LF	\$2.00	\$0.00	\$331.00
3	Concrete Pavement Removal	45.00	61.61	16.61	SY	\$5.00	\$0.00	\$83.05
4	Concrete Walk Removal	100.00	84.17	-15.83	SY	\$5.00	-\$79.15	\$0.00
5	Asphalt Concrete Base (ODOT 301 PG64-	40.00	14.50	4.50	CV	¢200.00		¢004.00
5	22)	40.00	44.52	4.52	CY	\$200.00		\$904.00
6	Asphalt Concrete Surface (ODOT 448 Type 1, Medium Traffic PG64-22)	15.00	16.39	1.39	CY	\$200.00	\$0.00	\$278.00
7	4" Concrete Walk with 4" Stablized Crushed Aggregate Base (ODOT 411)	100.00	84.17	-15.83	SY	\$50.00	-\$791.50	\$0.00
8	6" Plain Portland Cement Concrete Pavement with 6" Crushed Aggregate Base (ODOT	45.00	61.61	16.61	SY	\$55.00	\$0.00	\$913.55
9	Type 2 Concrete Curb	50.00	219.00	169.00	LF	\$33.00	\$0.00	\$4,225.00
10	Type 3 Concrete Curb	30.00	61.50	31.50	LF	\$25.00	\$0.00	\$787.50
10	Topsoil	350.00	350.00		CY	\$35.00	\$0.00	\$0.00
12	Fertilizer, Seeding & Mulching	4,200.00	4,200.00	0.00	SY	\$1.75	\$0.00	\$0.00
13	Construction Layout Stakes	1.00	1,200.00	0.00	LS	\$1,500.00	\$0.00	\$0.00
14	Mobilization	1.00	1.00	0.00	LS	\$6,000.00	\$0.00	\$0.00
15	Maintaining Traffic	1.00	1.00		LS	\$2,000.00	\$0.00	\$0.00
16	Storm Water Pollution Prevention Plan	1.00	1.00	0.00	LS	\$200.00	\$0.00	\$0.00
17	Additional Excavation	20.00	0.00	-20.00	CY	\$10.00	-\$200.00	\$0.00
SANIT	ARY SEWER					L		
18	6" PVC ASTM D3034 SDR 35 (Sanitary) T	35.00	66.00	31.00	LF	\$30.00	\$0.00	\$930.00
19	8" PVC ASTM D3034 SDE 35 (Sanitary) Type B	120.00	104.00	-16.00	LF	\$70.00	-\$1,120.00	\$0.00
20	8" PVC ASTM D3034 SDR 35 (Sanitary) Type C	100.00	99.00	-10.00	LF	\$35.00	-\$1,120.00	\$0.00
21	10" PVC ASTM D3034 SDR 35 (Sanitary) Type B	45.00	51.00	6.00	LF	\$85.00	\$0.00	\$510.00

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
22	10" PVC ASTM D3034 SDR 35 (Sanitary)							
22	Type C	400.00	398.00	-2.00	LF	\$42.00	-\$84.00	\$0.00
22	12" HDPE DR11 (Sanitary), Directionally							
23	Drilled	90.00	70.50	-19.50	LF	\$150.00	-\$2,925.00	\$0.00
24	15" PVC ASTM D3034 SDR 35 (Sanitary)							
24	Type C	15.00	14.00	-1.00	LF	\$48.00	-\$48.00	\$0.00
25	6" 45 Degree PVC Bend (Heavy Duty)	4.00	13.00	9.00	EA	\$45.00	\$0.00	\$405.00
26	8" 45 Degree PVC Bend (Heavy Duty)	4.00	8.00	4.00	EA	\$75.00	\$0.00	\$300.00
27	10" 45 Degree PVC Bend (Heavy Duty)	2.00	2.00	0.00	EA	\$125.00	\$0.00	\$0.00
28	6" Cleanout with Inverted Cap	3.00	3.00	0.00	EA	\$200.00	\$0.00	\$0.00
29	6" PVC Plug (Sanitary)	3.00	4.00	1.00	EA	\$30.00	\$0.00	\$30.00
30	8" PVC Plug (Sanitary)	1.00	1.00	0.00	EA	\$40.00	\$0.00	\$0.00
	Flexible Coupling with Stainless Steel							
31	Bands (All Sizes)	5.00	14.00	9.00	EA	\$65.00	\$0.00	\$585.00
32	48" Manhole with Standard Cone (Sanitary)	5.00	5.00	0.00	EA	\$3,000.00	\$0.00	\$0.00
	Manhole Casting & Gasketed Lid Marked							
33	"Sanitary Sewer"	5.00	5.00	0.00	EA	\$800.00	\$0.00	\$0.00
34	Pipe Abandoned & Grouted	385.00	385.00	0.00	LF	\$4.00	\$0.00	\$0.00
35	Manhole Removed (Sanitary)	2.00	2.00	0.00	EA	\$600.00	\$0.00	\$0.00
36	Sanitary Sewer Televising	720.00	673.00	-47.00	LF	\$1.50	-\$70.50	\$0.00
STOR	M SEWER							
37	6" PVC ASTM D3034 SDR 35 (Storm), Typ	60.00	56.00		LF	\$20.00	-\$80.00	\$0.00
38	12" PVC ASTM D3034 SDR 35 (Storm), Ty	30.00	34.50	4.50	LF	\$50.00	\$0.00	\$225.00
39	42" C76-III (Storm), Type B	180.00	173.00	-7.00	LF	\$175.00	-\$1,225.00	\$0.00
40	42" C76-III (Storm), Type C	320.00	314.00	-6.00	LF	\$110.00	-\$660.00	\$0.00
41	42" Wolmanized Lumber Plug	1.00	1.00	0.00	EA	\$500.00	\$0.00	\$0.00
42	12" 45 Degree PVC Bend	1.00	2.00	1.00	EA	\$150.00	\$0.00	\$150.00
43	6" on 42" Inserta Tee	2.00	5.00	3.00	EA	\$350.00	\$0.00	\$1,050.00
44	12" on 42" Inserta Tee	1.00	1.00	0.00	EA	\$350.00	\$0.00	\$0.00
45	6" PVC Plug	2.00	2.00	0.00	EA	\$25.00	\$0.00	\$0.00
46	Concrete Headwall with Anchor Rods	1.00	1.00	0.00	EA	\$3,500.00	\$0.00	\$0.00
	Stainless Steel Pipe Strap with Stainless							
47	Steel Bolts & Nuts	1.00	1.00	0.00	EA	\$400.00	\$0.00	\$0.00
48	72" ODOT No. 2-6 Catch Basin, Modified (	2.00	3.00	1.00	EA	\$3,900.00	\$0.00	\$3,900.00
49	2' x 3" Curb Inlet with Casting & Bike Safe	2.00	2.00		EA	\$2,000.00		\$0.00

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
50	Manhole Casting & Vented Lid Marked "Sto	2.00	2.00	0.00	EA	\$800.00	\$0.00	\$0.00
51	Storm and Field Drain Replacement (All Siz	50.00	137.50	87.50	LF	\$12.00	\$0.00	\$1,050.00
52	Rock Channel Protection (Type B)	70.00	140.82	70.82	CY	\$66.00	\$0.00	\$4,674.12
WATE	WATERLINE							
53	Fire Hydrant Assembly with Storz Connection	3.00	3.00	0.00	EA	\$5,000.00	\$0.00	\$0.00
54	1" on 8" Tapping Saddle with Corp Stop	1.00	1.00	0.00	EA	\$300.00	\$0.00	\$0.00
55	1" Curb Valve with Box Assembly, Complet	1.00	1.00	0.00	EA	\$300.00	\$0.00	\$0.00
56	6" on 6" Tapping Sleeve, Valve & Box Asse	1.00	1.00	0.00	EA	\$3,500.00	\$0.00	\$0.00
57	8" on 16" Tapping Sleeve, Valve & Box Ass	1.00	1.00	0.00	EA	\$5,500.00	\$0.00	\$0.00
58	8" M.J. Gate Valve & Box Assembly, Comp	3.00	3.00	0.00	EA	\$2,000.00	\$0.00	\$0.00
59	4" x 8" M.J. Reducer	1.00	1.00	0.00	EA	\$400.00	\$0.00	\$0.00
60	6" x 8" M.J. Reducer	1.00	1.00	0.00	EA	\$450.00	\$0.00	\$0.00
61	4" M.J. Solid Sleeve	1.00	2.00	1.00	EA	\$200.00	\$0.00	\$200.00
62	8" 11¼ Degree M.J. Bend	3.00	1.00	-2.00	EA	\$200.00	-\$400.00	\$0.00
63	8" 22 <sup>1</sup> / <sub>2</sub> Degree M.J. Bend	2.00	2.00	0.00	EA	\$200.00	\$0.00	\$0.00
64	8" 45 Degree M.J. Bend	5.00	5.00	0.00	EA	\$500.00	\$0.00	\$0.00
65	8" x 8" x 8" M.J. Tee	1.00	1.00	0.00	EA	\$1,500.00	\$0.00	\$0.00
66	6" M.J. Plug	1.00	3.00	2.00	EA	\$350.00	\$0.00	\$700.00
67	1" Type "K" Copper Service Line	40.00	99.00	59.00	LF	\$35.00	\$0.00	\$2,065.00
68	4" AWWA C900 (Class 150 & DR18) Type	15.00	4.00	-11.00	LF	\$40.00	-\$440.00	\$0.00
69	6" AWWA C900 (Class 150 & DR18) Type	15.00	17.00	2.00	LF	\$44.00	\$0.00	\$88.00
70	8" AWWA C900 (Class 150 & DR18) Type	440.00	442.00	2.00	LF	\$40.00	\$0.00	\$80.00
71	8" AWWA C900 (Class 150 & Dr18) Type	760.00	742.00	-18.00	LF	\$25.00	-\$450.00	\$0.00
72	Fire Hydrant Removal & Plug	1.00	1.00	0.00	EA	\$800.00	\$0.00	\$0.00
Subtotals: -\$8,608.15								
TOTAL DIFFERENCE:								

# **PERSONNEL CODE**

# City of Napoleon, Ohio

- **<u>197.01</u>** Preamble.
- **<u>197.02</u>** Miscellaneous.
- **<u>197.03</u>** Employee records and discipline.
- **<u>197.04</u>** Employee relations.
- **<u>197.05</u>** Layoff and recall procedures.
- **<u>197.06</u>** Residency requirements.
- **<u>197.07</u>** City organization chart.
- **<u>197.08</u>** Preconditions for employment.
- **<u>197.09</u>** Promotions, assignments and transfers.
- **<u>197.10</u>** Hiring of seasonal and temporary workers.
- **<u>197.11</u>** Safety Committee.
- **<u>197.12</u>** Seniority.
- **<u>197.13</u>** Policy, procedures and work rules.
- **<u>197.14</u>** Hours of work and compensation.
- **<u>197.15</u>** Major paid benefits.
- **<u>197.16</u>** Paid leaves of absence.
- **<u>197.17</u>** Trauma leave.
- **<u>197.18</u>** Vacations.
- **<u>197.19</u>** Other leaves of absence.

# **197.01 PREAMBLE**

# (a) Applicability, Purpose and Interpretation

The term "Code" as used in this Chapter shall be interpreted to mean the "Personnel Code" unless its context clearly indicates otherwise and shall be considered part of the Administrative Code of the City of Napoleon, Ohio, whether codified or not.

Any resolution, ordinance, code or other similar instrument that refers to the "Personnel Code" shall be construed to mean this Code.

This Code supersedes and replaces all applicable federal and state laws, statutes, codes, policies, and all matters or issues pertaining to employee wages, benefits, and working conditions over which it has authority to supersede and replace. However, this Code does not supersede or replace resolution or ordinance numbers, <del>128</del> <del>95</del>, <del>16</del> <del>98</del> <del>and 117</del> <del>06</del> (employment resolutions or ordinances pertaining to the City Manager and City Finance Director) as may be amended from time to time (except as it pertains to residency). Further, this Code does not pertain to the position of Judge of the Napoleon Municipal Court which shall be controlled by the Ohio Revised Code, except for the benefits as authorized by Section <u>197.14</u>(i) concerning "Retirement Contribution Pickup" and as provided in <u>197.15</u> of this Code.

In the event that any provision of this Code and its application to any employee is held to be contrary to law by a court of competent jurisdiction, in areas of law that it may not be contrary, it shall be of no further force and effect, except to the extent permitted by law; but all other provisions and applications shall continue in full force and effect.

Any provision of a collective bargaining agreement shall govern matters covered herein only to the extent required by law. Nothing in this Code shall be construed as giving additional benefits to members of a bargaining unit that are not otherwise stated in the collective bargaining agreement.

# (b) **Definitions**

Definitions for the purpose of this Code:

Any reference in this Code to "hire date", "date of employment", "anniversary date", "hired" and the like shall generally mean the first date of service following the most recent notice of hiring, unless the context clearly indicates otherwise.

Active Pay Status - Shall mean that an employee has received or is entitled to receive pay for one (1) of the following reasons when properly authorized in accordance with the terms of this Code: time worked whether at regular or overtime rates; sick leave; vacation leave; personal holiday; legal holiday; bereavement leave; or, compensatory time off. Active pay status shall exclude any unpaid time, unpaid leaves of absence, or unpaid separation from employment, whether authorized or unauthorized. The definition of active pay status as herein defined is intended to define active employment and is not intended nor shall it be construed as to supersede the requirements of earning overtime pay or compensatory time.

**Appointing Authority -** The directors of the city as provided by Charter, i.e. city manager, city finance director and city law director and may include other officers as authorized by the charter. Appointing authority may, when the text clearly indicates, mean the city council when the positions are appointed by council. Appointing authority may be others as designated by act of council or when delegated to others by the city manager, city finance director or city law director. Finally, for employees of the municipal court, the appointing authority shall be as provided by the Ohio Revised Code.

**Bargaining Unit -** Shall mean all employees of the City of Napoleon employed in a group of positions recognized by the City who are represented by an exclusive representative and whose terms of employment are covered by a collective bargaining agreement.

**Class -** A group of positions (or one (1) position) that:

Have similar duties and responsibilities;

Require like qualifications; and

**Classified Service -** as defined in the Napoleon Civil Service Code and or Civil Service Rules of the City, the Charter, ordinance or other controlling law.

**Class Title -** The official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.

**Director**(s) - The city manager, city finance director, and city law director.

**Employee** - Unless the context otherwise indicates, employee shall mean any employee of the City.

**Employee, Full-Time Regular -** An employee hired to work for the City full-time, at least thirty-seven and one half (37-1/2) thirty (30) hours per week on a regular basis (normally 52 weeks per year) (except authorized leave). A full-time firefighter or EMT shall be considered full-time if they work a twenty-four (24) hour duty day at least fiftythree (53) hours per week on a regular basis (normally fifty-two (52) weeks per year, except authorized leave); or, if they work an eight (8) hour duty day at least thirty-seven and one-half (37-1/2) hours per week on a regular basis (normally 52 weeks per year, except authorized leave). Full time employees include both hourly and salary employees. For the purpose of this Code, the city manager, city law director, city finance director and those other full-time positions appointed by council shall be considered fulltime regular employees of the city and be entitled to the benefits as provided to other full-time regular employees, except where specifically excluded or where the context of the section clearly indicates that such section is not applicable to the positions. Council members and the mayor are not considered employees of any type for the purpose of this Code, except for purpose of public retirement benefits, workers compensation benefits and other benefits as specifically authorized by ordinance to be applicable to the council or mayor, or as may otherwise be required by law. For the purpose of this Code, board and commission members of the city are not considered employees of any type and are not entitled to benefits except unless specifically authorized for board and commission members by ordinance or as may otherwise be required by law.

**Employee, Part-Time -** An employee hired to work part-time, less than a regular thirtyseven and one half (37–1/2) thirty (30) hour work week (regardless of the number of weeks per year worked), for less than twelve (12) continuous months. Any reference to a summer, seasonal or intermittent employee shall mean part-time employee.

**Employee, Permanent Part-Time -** An employee hired to work part-time, less than a regular thirty-seven and one-half (37-1/2) thirty (30) hour work week, for twelve (12) or more continuous months, unless for a specific assignment on a temporary basis.

**Employee, Temporary -** An employee who may work a regular thirty-seven and onehalf (37-1/2) hours or more work week, but that is hired for a period of time expected to be less than eight (8) months one hundred and twenty (120) days per rolling calendar year or no later than on completion of a specific assignment is considered a temporary employee. A temporary employee may be offered and may accept a new temporary assignment and still retain temporary status, provided there is a one (1) week break of employment.

**Grievance -** Shall mean an allegation by a full-time regular employee of the classified service for the City that there has been a breach, misinterpretation, or improper application of this Code (It is not intended that the grievance procedure be used to effect changes in this Code nor those matters which are controlled by the provisions of Federal or State laws and/or by the United States or Ohio Constitutions).

**Involuntary Departure** - Shall mean disciplinary termination or a firing of an employee.

Legal Holiday - Any City observed legal holiday, except President's Day.

**Non-Bargaining Employees -** Employees not a member of an officially recognized bargaining unit.

**Pay Period Normal -** Monday 12:00 a.m. through the following Sunday 11:59 p.m. for two (2) consecutive weeks (biweekly), with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m. for two (2) consecutive weeks (biweekly).

**Perform The Job** - For the purposes of this Code, perform the job shall mean perform the essential functions of the job, with or without reasonable accommodation, without posing a direct threat to the health or safety of the employee or others.

**Physician -** Unless the context indicates otherwise physician shall mean a medical doctor of medicine or osteopathy licensed to practice medicine or surgery in the State of Ohio.

**Position -** A group of currently assigned duties and responsibilities requiring the full or any part-time or temporary employment of one (1) person. A position may be occupied or vacant.

**Residence -** The place where one actually lives or has his/her home; a person's dwelling or place of habitation; an abode; house where one's home is. Personal presence is required without intention of definite or early removal and with purpose to remain for an undetermined period (not a post office box or just a mailing address). Place of residence is the place as reasonably determined to qualify as a residence of an employee by the employee's appointing authority.

**Residency** - A term to describe residence requirements as required by the City for employment purposes.

**Resident -** Any person who occupies a residence within this the City and its limits, having a present intent to remain within the City for a period of time.

**Shift Work** - Work in a department when at least three (3) separate and distinct shifts exist in a twenty-four (24) hour period.

**Statutory Holiday** - Any City observed legal holiday with exception to President's Day, or as defined in an approved bargaining agreement.

Unclassified Service - As defined in the Napoleon Civil Service Code or Civil Service Rules of the City, the charter, ordinance, resolution, or other controlling law.(Ord. 015-12. Passed 3-5-12.)

# **197.02 MISCELLANEOUS**

# (a) **Extensions of Times and Deadlines**

Unless the context indicates otherwise, whenever a certain event is to occur on a date which is a Saturday, Sunday, or City legally observed holiday, or a certain deadline is to expire on a date which is Saturday, Sunday, or City legally observed holiday, the date upon which such event shall occur or such deadline shall expire shall be the first date thereafter which is not a Saturday, Sunday, or City legally observed holiday.

Unless the context indicates otherwise, in computing any period of time prescribed or allowed by this Code, the date of the act or event from which the designated period of time begins to run shall not be included.

# (b) <u>Gender Reference</u>

All references to employees in this Code shall include both sexes, and wherever the male gender is used, it shall be interpreted to include male and female employees.

# (c) <u>Personnel Policies to be Governed by Code</u>

It is the intent of city council that all of the City's personnel policies, guidelines, and procedures shall be governed by the charter and ordinances or resolutions duly passed by city council, unless otherwise authorized by council and except as otherwise authorized by this Code.

#### (d) **Prohibition Against Discrimination**

The provisions of the Code, shall be applied to employees without discrimination as to age, sex, marital status, race, color, creed, religion, national origin, ancestry, union affiliation, handicap and/or disability.

# (e) Waiver in Case of an Emergency

In cases of emergency declared by the President of the United States, the Governor of the State of Ohio, the Mayor, the City Manager, or the United States Congress or the Ohio General Assembly, such as, but not limited to acts of God and civil disorder, any or all portions of this Code may be temporarily suspended by the City.

# (f) Amendments to Existing Job Descriptions

The City may amend existing job descriptions from time to time as needed for its operational purposes. The City will present a copy of the amended job description to any affected full-time regular employee at least seven (7) days before the new job description shall take effect. If such employee believes a violation of this Code has occurred as a result of any such revision to a job description, the full-time regular employee may file a grievance as provided for in this Code. During any grievance process, any employee affected by the proposed change in job description shall use his/her best efforts to carry out his/her duties under the new job description (this Section is not applicable to any person or position defined an appointing authority or falling into the unclassified service).

# 197.03 EMPLOYEE RECORDS AND DISCIPLINE

# (a) Access to Personnel Service Records

Employee service records shall only be accessible by the public to the extent required or permitted by law.

# (b) <u>Causes for Discipline</u>

# (1) Applicability and Overview

Any employee may be disciplined for just or proper cause. Violations of any municipal ordinance, statutes or other law of any political subdivision or any state, and violations of any or all city policies, rules or regulations or lawful orders shall constitute just or proper cause. Finally, any violation contained in a collective bargaining agreement shall also constitute proper cause for discipline as it relates to collective bargaining employees.

# (2) Closure of Items Related to Discipline

Employee's personal service record as it relates to discipline shall be marked closed for the purpose of progressive discipline in accordance with the following schedule; however, such shall be subject to the public records law:

• Reprimands

Any reprimand shall be closed from the record after one (1) year from the date of the reprimand, providing there is no intervening disciplinary action during the one (1) year period.

• Suspensions Less Than Thirty (30) Days

Any suspension of less than thirty (30) days shall be closed from the record after a period of two (2) years, providing there is no intervening disciplinary action during the two (2) year period.

• Suspensions Longer Than Thirty (30) Days

Any suspension of thirty (30) days or more shall be closed from the record after three (3) years, providing that there is no intervening disciplinary action during the three (3) year period.

# (c) <u>Discipline Action as it Relates to Classified Employees</u>

Where the City deems appropriate, the City will apply a policy of progressive and corrective discipline, with the progressive steps as follows: oral reprimand; written reprimand; suspension; demotion; or, dismissal (this section is not applicable to those persons or positions considered the appointing authority or to other unclassified employees). This section is not to be construed as prohibiting suspension or dismissal without progressive discipline where the cause for such suspension or dismissal is deemed warranted by the City due to the nature or circumstances of the conduct involved.

# (1) Oral and Written Reprimands

When it becomes necessary for a supervisor to reprimand a classified employee, it shall be done with discretion.

In the event that a supervisor finds it necessary to orally reprimand an employee and determines to keep a record of that oral reprimand, such employee shall be made aware that a record of such oral reprimand is being maintained in the City's files or records. Employees are not entitled to hearings for oral reprimands.

Classified Employees may appeal a written reprimand to a review officer designated by the appointing authority, but may not appeal the disciplinary action to the Civil Service Commission. Such review shall be informal and the rules of evidence shall not apply. A classified employee may thereafter submit a written statement to the appointing authority concerning the reprimand and outlining such employee's basis for concern, and a copy of such statement shall be appended to the copy of the reprimand in such employee's personal service record. Such statement must be filed within ten (10) days of the determination of the appointing authority to approve a reprimand.

The supervisor shall provide the classified employee with a copy of any written reprimand or any record of oral reprimand entered in such employee's file. The classified employee shall acknowledge receipt of same by signing and dating the original copy of such record.

# (2) Procedure for (Disciplinary) Suspension, Demotion, or Dismissal.

Classified employees shall not be suspended, demoted, or dismissed for disciplinary reasons from duty without first being afforded the opportunity for a disciplinary review before the appointing authority or his/her designee, except that, where it is necessary to immediately relieve the employee from duty due to gross misconduct, a department head or his/her designee may temporarily suspend such employee for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays.

When a classified employee has been suspended without a disciplinary review, such employee shall be afforded a disciplinary review before the appointing authority or his/her designee within seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. The employee's pay status for the days which he/she was suspended shall be determined by the appointing authority or his/her designee at the disciplinary review.

When a classified employee is charged with a violation that is likely to result in such employee receiving a disciplinary suspension, demotion, or dismissal, the following shall apply:

• Except as provided above, the classified employee shall be given notice at least five (5) calendar days in advance of the disciplinary review and that notice shall advise such employee of the general nature of the suspected violation. The classified employee shall be advised in the notice of his/her right to be represented by counsel at such review.

Any disciplinary suspension, demotion, or dismissal may only be appealed as outlined in Section 197.03(c)(3) below and in accordance with the Civil Service Rules. ("Appeals from Disciplinary Suspensions, Demotions and Dismissals")

# (3) Appeals from Disciplinary Suspensions, Demotions and Dismissals

Except for probationary employees, if a classified employee has been suspended for disciplinary reasons in excess of three (3) days or demoted or dismissed due to disciplinary reasons, he/she may file an appeal before the Civil Service Commission (hereinafter referred to as the commission).

A classified employee may not waive a disciplinary review before the appointing authority and then subsequently file an appeal before the commission.

An appeal must be filed in writing within ten (10) calendar days after the appointing authority has determined to impose or uphold, whichever is later, a disciplinary suspension, demotion, or dismissal. Any appeal not submitted to the commission within such ten (10) calendar day time period shall be deemed settled on the basis of the determination given by the appointing authority at the disciplinary review.

# (4) Powers, Duties and Limits of Authority of Commission

The powers, duties, and limits of authority of the commission shall be as contained in City's Revised Code of General Ordinances and the Rules of the Civil Service Commission.

The decision of the commission may be appealed according to the Civil Service Rules to the Common Pleas Court of Henry County, Ohio.

Upon request, a copy of the work record shall be furnished to the classified employee.

### (5) Scheduling of Disciplinary Reviews

Disciplinary reviews called for in this Section may be scheduled at the discretion of the department head or appointing authority, whichever is applicable, taking into consideration the employee's work shift and subsequent appropriate rest time.

### (d) Discipline Action for Unclassified Employees

### (1) Unclassified

Pursuant to <u>Article V</u>, Section 5.01 (D) of the Charter, when not otherwise established in the Charter, council may determine that certain positions and employees in the civil service of the city are classified and that others are unclassified; nevertheless, at minimum, the department heads of the police department and fire department (i.e. chief of each department) shall be subject to civil service review for suspension in excess of three (3) days and/or dismissal.

### (2) **Prior to Suspension or Termination**

All compensated unclassified employees shall be given an opportunity to be heard by the authority that appointed them prior to suspension without pay or involuntary termination; however, no finding of cause need be made prior to suspending or terminating an unclassified employee. Such opportunity to be heard may be conducted in executive session when before the council unless objected to by council or the person who is the subject of the suspension or involuntary termination. The act of suspension or involuntary termination shall be in open meeting when involving the city manager, finance director or law director or any clerk of council.

# (3) Board Members or Commissions of the City

Section <u>197.03</u>(d) is not applicable to members of boards or commissions of the City, the mayor, elected or appointed members of council. (Ord. 015-12. Passed 3-5-12.)

# **197.04 EMPLOYEE RELATIONS.**

# (a) <u>Employee Discussion</u>

In the interest of sound and harmonious employee relations, a discussion process may be established whereby, upon request by the City or employee, employees may meet and confer with members of the appointing authority (city manager, city finance director or city law director) as may be appropriate, to discuss work related issues and matters as governed by this Code.

# Limitations

Such discussions are not intended, nor are they in any way to be interpreted or otherwise construed, to effect changes or revisions in this Code, but are solely intended for the purpose of discussing general information of interest to the City and its employees in accordance with the provision of this Chapter. Neither the City nor its employees shall be obligated to act upon any issue or matter raised during such discussions.

### (b) <u>Purpose of Meetings</u>

The purpose of such meetings shall be limited to:

- Discuss the administration of this Code.
- Notify employees of changes made by the City which affect employees.
- Discuss matters of potential grievances which have not been filed.
- Disseminate general information of interest to the City and employees.
- Give employees the opportunity to share the view of employees and/or make suggestions on subjects of interest to such employees.
- Discuss ways to increase productivity and improve efficiency.

• Consider and discuss health and safety matters relating to such employees. (Ord. 44-01. Passed 5-21-01.)

# (c) <u>Exit Interviews</u>

When requested in writing, upon any employee's resignation or retirement, he/she shall be afforded the opportunity for an interview with the appointing authority and/or his/her designee. The purpose of this interview shall be to allow the employee to express reasons for resignation and/or his/her views on the operation of his/her department.

(Ord. 44-01. Passed 5-21-01.)

# (d) <u>Grievance Procedure</u>

### (1) Applicability and Overview

This Section is not applicable to those persons or positions defined as the appointing authority or other unclassified employees.

It is the intent of the City that this grievance procedure be the sole and exclusive grievance and appeal procedure for classified employees, and any other grievance and appeal procedures shall not be applicable.

Grievances and appeals related to disciplinary matters shall be handled in accordance with the herein established grievance procedures. This Section is limited to grievances related to all other issues regarding wages, benefits, and terms and conditions of employment, excluding disciplinary action(s).

# (2) Information Required in Grievances

All grievances must contain the following information to be considered and must be filed using the grievance form:

- Aggrieved employee's name and signature.
- Aggrieved employee's classification.
- Date grievance was filed in writing.
- Date and time grievance occurred.
- Where grievance occurred.
- Description of incident giving rise to the grievance.
- Articles and sections of law or policies violated.
- Description of actions that will resolve the grievance.

# (3) Limitations

All grievances must be processed at the proper step in the progression in order to be considered at the subsequent steps. An inadequacy of the grievance form may be corrected and resubmitted so long as done within five (5) calendar days from date of return.

Such employee may withdraw a grievance at any point by submitting in writing a statement to that effect, or by permitting the time requirements at any step to lapse without further appeal.

The time limits provided for herein shall be strictly adhered to. Any grievance not initially submitted or appealed to the next step within the specified time limits shall be deemed invalid or resolved based upon the City's last answer, as the case may be (an untimely grievance is void and an untimely appealed grievance is resolved based on the last answer); provided however, that any grievance not answered by the City within the stipulated time limits may be advanced by the employee to the next step in the grievance procedure. All time limits on grievances may be extended upon mutual consent of the City and employee affected.

If an emergency occurs, rights of grievance under this Code may be suspended. Upon the termination of any emergency should valid grievances exist, they shall be processed in

accordance with the provisions outlined in the grievance procedure of this Code and shall proceed from the point in the grievance procedure to which they (the grievances) had properly progressed, prior to the emergency.

### (4) Method of Processing Grievances

The following procedure shall be followed:

### A. Step 1 - Review by Immediate Supervisor

In order for a grievance to receive consideration under this procedure, the grievant must identify the grievance to the employee's immediate supervisor, in writing, within twelve (12) calendar days of the employee having, through the exercise of reasonable diligence, knowledge of the occurrence of the incident giving rise to the grievance. The employee's immediate supervisor shall investigate and provide an appropriate answer within six (6) calendar days following the day on which the employee's immediate supervisor was presented the grievance.

### B. Step 2 - Review by Department Head

If the grievance is not resolved in Step 1, and the supervisor is not the department head, then the employee may, within six (6) calendar days of the supervisor's response, take up the grievance with his department head. The department head shall investigate and respond to the grievant within six (6) calendar days after receiving the Step 1 reply.

# C. Step 3 - Review by Appointing Authority

Where the grievance is filed with a member of the appointing authority, due to the absence of an immediate supervisor or department head position in that department and is not resolved accordingly, another member of the appointing authority shall be appointed to hear said grievance and render a decision in accordance with the provisions of this Step 3.

### (5) Scheduling of Grievance Hearings

Grievance hearings called for in this Chapter may be scheduled at the discretion of the department head or appointing authority, whichever is applicable, taking into consideration the grievant's work shift.

### (6) Who May Bring Grievance

A grievance may be brought by any employee, except: the appointing authorities, unclassified employees and employees covered by a collective bargaining agreement. Where a group of such employees desire to file a grievance involving a situation affecting each employee in the same manner, one (1) employee selected by such group may process the grievance as a class action grievance, provided each such employee desiring to be included in the class action grievance, signs said grievance and the grievance is filed in a timely manner. For the purpose of this Section timely manner shall be within seven (7) days after notice is received.

# 197.05 LAYOFF AND RECALL PROCEDURES

### (a) Applicability

This Section is not applicable to those persons or positions defined as the appointing authority or other unclassified employees. Further, no employee who is a member of a bargaining unit may displace a non-bargaining unit employee for the purpose of this Chapter.

When the City determines that a reduction in full-time work force or job abolishment is necessary, full-time regular employees shall be laid off in accordance with the provisions of this Chapter. Part-time, permanent part-time, or temporary employees may be laid off at any time without notice, or right of recall.

(Ord. 74-00. Passed 8-7-00.)

### (b) Layoff Notification Requirements

In the event of a long term layoff, full-time regular employees shall be notified twentyone (21) calendar days in advance of the effective date of the layoff. Such employees will be notified of the City's decision to implement any short term layoff (lasting seventy-two (72) hours or less) as soon as possible.

### (c) Priority of Employees Laid Off

In the event of a layoff, whether long term or short term, full-time regular employees will be laid off in accordance with their departmental seniority by job classification (last hired, first laid off). Such employee with the least departmental seniority in the department and job title which is designated for layoff shall be notified of the layoff and shall have the right to displace another employee at the same classification or lower classification series within the department who has less total City seniority, provided that the initially laid off employee is qualified to perform the work of the new position. Any employee displaced by this procedure shall have the right to displace another employee by the same procedure. This process may continue until the least senior employee is laid off.

### (d) <u>Recall</u>

### (1) No New Hire Before Recall

Vacancies and/or newly created positions shall be filled first by those full-time regular employees on lay off provided they are qualified to fill the new positions or vacancies, unless such laid off employee refuses a recall to the position to be filled or fails to respond to a recall notice in a timely manner.

### (2) Recall Period

Employees who are laid off are subject to recall from lay off for a period of three

hundred sixty five (365) days from date of lay off. After that time they shall be deemed to be permanently separated from City service, and no longer on layoff.

# (3) **Priority of Recall**

A recall from layoff shall be based on departmental seniority by job classification (last laid off, first recalled). Notice of recall from a long term layoff shall be by certified or registered mail. If certified or registered mail is returned as undeliverable, the City shall be deemed to have fulfilled its obligations by mailing the recall notice to the last mailing address provided by the employee by regular U.S. Mail.

# (4) **Response Time to Recall Notices**

In the case of long term layoff, the employee shall have fourteen (14) calendar days following the date of mailing the recall notice to notify the City of his/her intention to return to work, and shall have ten (10) calendar days following notification to the City of his/her intent to return to work in which to report for duty, unless a different day for returning to work is otherwise mutually agreed.

# **197.06 RESIDENCY REQUIREMENTS**

(a) Except as otherwise provided herein, all employees of the City are required to reside within Henry County, Ohio, or within an adjacent county thereto within this State.

(b) Paid part-time employees of the Fire/Rescue Department that are firefighters or emergency medical technicians or the like, or a combination thereof, and paid part-time employees of the Police Department, not to be construed as solely volunteer personnel, are required to reside within fifteen (15) miles of the Henry County Courthouse. The herein mentioned radii shall be construed as a straight line and not as driven miles. All other paid part-time employees of the City, regardless of paid part-time class, are exempt from the residency requirements of the City. Nothing herein shall be construed as to provide for grandfathering as it relates to residency should a part-time employee obtain full-time employees working in two (2) capacities of the City, one full-time and one paid part-time, shall meet the most restrictive residency requirement.

(c) Unless otherwise exempted, any employee of the City employed after the effective date of this section shall meet residency requirements within 365 days of employment with the City, except that the City Manager, City Finance Director and City Law Director shall meet residency requirements within 180 days of employment with the City.

(d) For purpose of continuing employment with the City, notwithstanding any other provision, policy, rule, resolution or ordinance, except the provision found in paragraph (f) hereof, full-time regular employees (salary or hourly) employed by the City on or prior to April 16, 2007, regardless of probation status, shall have 180 days to meet the residency requirements of the City; moreover, full-time regular employees (salary or hourly) employed by the City after April 16, 2007, but before the effective date of this section, regardless of probation status, shall have 365 days from the effective date of this section to

meet the City's established residency requirements.

(e) The appointing authority as appropriate, shall suspend from service any employee who fails to meet residency requirements as required by this section, until such time as the employee has met City residency requirements. In the event the suspension exceeds two (2) weeks in duration, the employee may be dismissed from the City service.

(f) Unless otherwise prohibited by law, this section shall not be construed as to limit the enforceability of any residency provision found in a collective bargaining agreement between the City and a collective bargaining unit; further, nothing herein shall be construed as to limit the ability of an appointing authority of the City to require residency of its volunteers.

(Ord. 095-07. Passed 11-19-07.)

# **197.07 CITY ORGANIZATION CHART**

### (a) <u>City Manager to Maintain Chart</u>

The city manager shall maintain an organization chart of all full-time positions in the City service. Amendments to this chart may be made only after approval by motion of council.

### (b) **Position Classification Plan**

#### (1) Administration

The city manager shall be responsible for administering the position classification plan. The city manager may assign other employees under manager's authority to assist him/her in this activity.

### (2) Allocation of New Position

The director of his/her department or designee shall complete or have completed a position description covering the duties and responsibilities of each proposed position. The city manager shall allocate the position to one (1) of the classes in the position classification plan. If a suitable class does not exist, he/she shall establish a new class and allocate the position to it.

(Ord. 44-01. Passed 5-21-01.)

### (3) Allocation Appeals

If an employee has facts which indicates to him/her that his/her position is improperly allocated, he/she may request the city manager to review the allocation of this position. Such request shall be submitted in writing and shall contain a statement of justification.

### (4) Amendments to The Position Classification Plan

Each time it appears desirable to establish a new class of positions or to abolish a current

class of positions, the city manager shall effect such a change by issuing an amendment to the position classification plan. Notice of such change shall be circulated to the mayor, council, city law director, city finance director, and all department heads.

### (5) Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established. In a series of classes, such as the engineering classes, the specifications for all classes should be reviewed as a unit.

### (6) Maintenance of the Plan

Maintenance of the organizational plan shall be in accordance with subsections (b)(6)A. to (b)(6)E., both subsections inclusive.

### A. On Vacancy of Position

Each time a vacancy occurs, a position description shall be completed and submitted to the city manager for a review of the allocation of the position. This requirement may be waived by the city manager in cases where changes in the duties and responsibilities of a position have been minimal.

### B. On Reorganization of Department

Each time a department is reorganized, position descriptions for all affected employees shall be submitted to the city manager for his/her review.

# C. On Request of City Manager

The city manager may require department heads or supervisors under his/her authority to submit position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions. The city manager may request other directors, and the directors shall furnish upon request of the city manager, position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more of one (1) or more positions. (Ord. 44-01. Passed 5-21-01.)

### D. On Establishment of Any Class

Each time a new class is established, a class specification shall be written and incorporated into the existing plan. The class title shall be added to the schematic list of titles. Likewise, an abolished class shall be deleted from the position classification plan by removing the class specification and eliminating the class title from the schematic list of titles.

### E. Biennial Review

The city manager is responsible to conduct a general review of the position classification plan at least once every two (2) years.

### (7) Official Copy of the Position Classification Plan

The city manager shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include regulations for administration, schematic list of class titles and class specifications, plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

# (8) Position Vacancies, Maximum Number of Employees

The employment positions set forth in the plan indicate the various types and kinds of work which the City expects to require. Under normal operations, some positions may be filled only occasionally or intermittently, and others may not be filled at all. The presence of an employment position or job classification in this plan does not imply or require that the City shall keep such position or job filled at all times or at any particular time, nor maintain any particular number or quota of employees in any position or job classification.

# **197.08 PRECONDITIONS FOR EMPLOYMENT**

# (a) Age Requirements for Police and Fire Departments

No police officer shall be hired who is younger than twenty-one (21) years of age. No fire or rescue person shall be hired who is younger than eighteen (18) years of age. There shall be no maximum age limit for officers of the police, fire or rescue divisions.

# (b) Character, Criminal Records

The City shall not employ any person who has been convicted of a felony, nor employ any person otherwise prohibited from holding a position in public service.

# (c) <u>No Political or Religious Tests</u>

Consideration of political or religious opinions as a test for employment or promotion in any position of the City service shall not be practiced. Membership in any organization shall not be required of any employee.

### (d) **Physical Examinations**

Full-time employment with the City of Napoleon shall be contingent, and part-time,

permanent part-time or temporary employment may be contingent on passing a physical examination by a physician designated by the City, at the City of Napoleon's expense, after an offer of employment, to determine that employees are physically capable of performing the essential job duties.

#### **Probationary Period (e)**

All newly appointed classified employees shall serve a probationary period of one (1) year. An employee shall not receive credit toward completion of the probationary period for absence from work for any approved time off in excess of five (5) work days.

Newly hired classified employees shall have no seniority during their probationary period. Upon completion of the probationary period, their seniority date shall be the original date of current appointment for the purpose of: (1) determining the employee's entitlement to all fringe benefits; and (2) determining the employee's continuous service date.

Probationary employees are only entitled to benefits such as health, overtime, compensatory time, paid leave, retirement pickup and other such similar type benefits when and as provided elsewhere in this code for non-probationary employees, unless otherwise stated. What is considered a similar type benefit shall be at the sole determination of the appointing authority.

(Ord. 093-08. Passed 12-15-08.)

# **197.09 PROMOTIONS, ASSIGNMENTS AND TRANSFERS**

#### General **(a)**

The City has exclusive control of promotion, assignment and transfer of all employees. Unless otherwise provided, when an employee is in the competitive civil service, such employee will be required to competitively test for promotion.

In assigning of employees to special positions, duties, or assignments, the City will offer to the extent possible, these positions, duties, or assignments to all qualified personnel and the City shall consider the following criteria in determining who shall serve in the available position, duty, or assignment and each criteria will be given the weight deemed appropriate by the appointing authority as it relates to the position, duty, or assignment:

- Experience;
- Specialized training; •
- Job evaluations; •
- Seniority (City and departmental); •
- Physical & mental capabilities that are essential to the job duties; •
- Current title; and •
- Impact of the assignment upon other operations of the City. •

### (b) **Probationary Periods for Transfers and Promotions: Noncompetitive**

If a full-time regular employee in the classified service is promoted or transfers voluntarily from one (1) department to another, in a non-competitive position, he/she shall be subject to a thirty (30) calendar day probationary period. The employee shall have ten (10) working days in which to voluntarily return to his/her former position. The City may return the employee to his/her former position at any time during the probation period.

If a full-time regular employee in the classified service is involuntarily transferred from one (1) department to another, in a noncompetitive position, he/she shall be subject to a probationary period of one hundred and eighty (180) days. If he/she should be unsuccessful in his/her new position he/she may be laid off if no other suitable position exists within the City.

### (c) <u>Transfers Within City</u>

If a full-time regular employee of the classified service voluntarily transfers to another department within the City, such employee will lose all departmental seniority rights previously earned in his/her pre-transfer department, and will be placed at the bottom of the seniority list of the department to which he/she has transferred.

In the case of non-disciplinary involuntary transfers to another City position, such employee will retain all seniority rights which he/she would have had if he/she had not been transferred.

### (d) Vacancies in the City

(1) Except in the case of rehire, where the City's policy on rehire shall control, when a non-competitive classified vacancy occurs in a position within the City, the appointing authority shall, when practical, cause to be posted such position for a period of at least ten (10) business days and first consider employees within the department division and then the department where the vacancy exists and next consider employees generally within the City's services. "First consider" shall mean, with all other things being equal, the person within the division or department where the vacancy exists shall be given the utmost consideration for filling the vacancy. "Employee" as used in the context of this provision includes, full-time regular, permanent part time, part time, and temporary employees. The City appointing authority may hire from outside the City services, without necessity of posting, when deemed by the appointing authority it not practical to post or fill the position by transfer. Only when posted within the City services may an employee apply for the position applied for, such position shall be considered a voluntary transfer.

(2) A person serving in a paid part-time position with the City's Fire and Rescue Department and who applied for a vacant position by transfer may accept the new position that is the subject of the transfer without vacating his or her current paid part-time position, unless otherwise determined by an affected appointing authority. (3) Nothing in this section shall be construed as to prohibit the appointing authority from simultaneously posting the position within the City services and advertising outside the City services; moreover, nothing in this section shall be construed as to prohibit the appointing authority from not filling the position by transfer when a more qualified person is available outside the City services who is ready, willing and able to accept the position.

(4) When a vacant position is posted internally, an interview should be afforded to employees of the City meeting the minimum qualifications that have properly applied for the vacant position.

(5) In the case of original appointment or promotion within the competitive classified positions, civil service examinations and procedures shall apply to the extent required.

# (e) <u>Step Increases When Transferred.</u>

When an employee is involuntarily transferred from one position to another, any step increase eligibility shall be on the employee's original hire anniversary date as if the employee was not transferred. If any employee makes a voluntary transfer, an employee must complete probation within the new classification prior to being eligible for any step increase, such eligibility being on the employee's original hire anniversary date. In the event that the voluntary transfer employee's original hire anniversary date passes while an employee is on probation, then the step increase eligibility shall be immediate upon completing probation and said employee will be eligible for an additional step increase at the employee's next immediate original hire anniversary date. Finally, in the event that an employee returns to his/her prior classification and missed a step increase in that prior classification, he/she shall be placed in the step as if never vacating the position effective on the date of such occurrence. Any increase shall be subject to successful performance evaluation. Nothing in this provision shall be construed as requiring any step increase. (Ord. 51-05. Passed 8-1-05.)

# 197.10 HIRING OF SEASONAL AND TEMPORARY WORKERS

# **Restrictions**

If a laid off employee is hired as a part-time, permanent part-time, or temporary employee he/she shall be paid the rate and shall receive only those benefits, if any, allowed for such position. Such employment shall not constitute a "recall" within the meaning nor subject to the provisions of Section <u>197.05</u>. (Ord. 74-00. Passed 8-7-00.)

# **197.11 SAFETY COMMITTEE**

A safety committee made up of those members that serve in or under the Department of Management as deemed appropriate by the City Manager shall be established by the City Manager. The purpose of the Safety Committee is to develop safety policies and procedures for City operations for the approval of the City Manager, which, upon approval shall have the full force and effect of any other rule or regulation established by the City.

An employee within the Department of Management may be required to be a member of

and to participate in the City's safety committee.

Enforcement of safety policies so established will be the same as for any other work rule established by the City. (Ord. 015-12. Passed 3-5-12.)

# **197.12 SENIORITY**

Except as may otherwise specifically be provided for in this Code, seniority shall be computed on the basis of an employee's uninterrupted length of continuous service with the City. For the purpose of this section, all paid leaves are considered uninterrupted continuous service; moreover, unpaid leaves as follows, shall not be considered an interruption of continuous service: suspensions, military leave during the time a person is eligible for reinstatement, injury leave for injuries occurring on duty, FMLA leave and pregnancy/temporary disability leave. An employee who is laid off and then is properly reinstated to City service within one year from the date of the layoff is credited with continuous service time for the period spent in layoff status. Likewise, up to a maximum of six months will be credited for time spent on an approved unpaid leave of absence, except when the leave of absence is for outside employment, including self-employment, then the employee shall receive no credit during the leave. Nothing in this section shall be construed as superseding or modifying provisions of this Code and policies of the City concerning how probationary periods are calculated. Department seniority when transfers are involved are controlled by Section 197.09(c).

(Ord. 13-04. Passed 3-1-04.)

# 197.13 POLICY, PROCEDURES AND WORK RULES

# (a) <u>Policies and Procedures</u>

The city manager, city finance director, and city law director, as appropriate, are authorized to establish work rules and policies not inconsistent with this Code without council approval. Any policy or procedure manual so established shall be distributed to all affected full-time regular employees before taking effect, and copies shall be made available for review of affected part-time, permanent part-time, or temporary employees. (Ord. 74-00. Passed 8-7-00.)

# (b) Establishment of Work Rules

Work rules may be established by department heads, subject to approval of the appointing authority.

# (c) <u>Complaints of Non-Uniform Application of Rules</u>

Any complaint involving the non-uniform application of work rules, policies and procedures or any complaint involving a conflict between the terms of this Code and work rules, policies and procedures may be resolved through the grievance procedure.

# (d) Employees to Observe Rules

This Section shall not be interpreted in any manner to relieve an employee of his/her responsibilities to follow the established uses, rules, and procedures necessary to preserve the good order and discipline of the City whether or not such rules and procedures have been reduced to writing. New employees shall be informed of all written work rules, policies and procedures in existence at the earliest possible time, and no later than sixty (60) days following their date of hire.

### (e) <u>Notification of Rule Changes</u>

Copies of changes in existing work rules, shall be provided to employees six (6) calendar days before they are to take effect unless an emergency is declared by the appointing authority that is promoting the rule change. (Ord. 44-01. Passed 5-21-01.)

### (f) <u>Rules to be Interpreted Uniformly</u>

Work rules shall be interpreted and applied uniformly to all similar employees under similar circumstances.

# 197.14 HOURS OF WORK AND COMPENSATION

#### (a) Work Week For Employees

The standard normal work week for full-time regular employees shall be forty (40) hours, (except that certain fire department personnel work a fifty-three (53) hour work week) exclusive of lunch or other meal periods (except employees of the Police and Fire Departments as well as employees of the Water Treatment Department and the Wastewater Treatment Department are inclusive of lunch or meal period). The City will use its best efforts to schedule employees' days off such that the days off are contiguous.

This section is intended to define the normal hours of work in effect at the time of execution of this Code, and shall not be construed as a guarantee of work per day or per week.

The work week is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m.

### (b) Longevity Pay Plan

May be paid as established by separate legislation.

# (c) <u>Overtime - Hourly Paid Employees</u>

### (1) Applicability

This Section is not applicable to those persons or positions defined as the appointing authority or other salary status employees. For all hourly employees, including fire and

rescue personnel, work performed means, actually worked and does not include leave of any type.

# (2) Advance Approval Required to Work Overtime

Any overtime hours must be authorized in advance by the appropriate supervisor.

# (d) <u>Compensatory Time</u>

With approval of the department head or appointing authority, employees, except Police Lieutenants and Assistant Chiefs of the Fire/Rescue Department, that are eligible for overtime pay may have the option of overtime pay or compensatory time off in lieu of overtime pay for hours worked in an overtime status to a maximum accumulation of sixty (60) hours at any one time, regardless of carryover. Police Lieutenants and Assistant Chiefs of the Fire/Rescue Department that are eligible for overtime pay may have the option of overtime pay or compensatory time off in lieu of overtime pay for hours worked in an overtime status to a maximum of one hundred (100) hours at any one time, regardless of carryover. Any accumulated balance of unused compensatory time shall be paid off on the first pay period in December, unless otherwise permitted to be carried over by the applicable department head or appointment authority.

Employees shall not be eligible for compensatory time credit for any hours for which they were otherwise compensated.

# (1) Rate of Credit of Compensatory Time

Compensatory time shall be credited at the appropriate overtime rate (either one and one half rate or double rate) for each hour of authorized overtime worked.

# (2) Submission in Writing

All requests for credit of compensatory time must be submitted in writing during the pay period in which the overtime was worked. Such request shall show the date and time when compensatory time was earned.

# (3) Rules for taking Compensatory Time Off

Compensatory time off shall be subject to advance approval by the employee's department head or appointing authority. Not less than one (1) hour of compensatory time shall be taken off on any one (1) day.

# (4) Conversion to Overtime Pay

Any employee shall be permitted to transform accumulated compensatory hours into overtime payment, in minimum blocks of eight (8) hours, upon seven (7) days notice to the payroll department of the City. The seven (7) day notice requirement shall be waived in the case of termination of employment with the City.

### (5) Minimum Call-out Time

Except as provided in the Section below entitled "Court Appearance Time", when an employee is required to and does report back to work at a time not contiguous to his regular scheduled work shift, thus necessitating additional travel to and from work, he/she shall be guaranteed a minimum of one (1) hour pay at the overtime rate, for each time he/she is called in. two (2) hours pay. However, additional callouts during any two (2) hour callout period will not result in additional guaranteed two (2) hour minimum pay (no pyramiding).

# (6) Court Appearance Time

Any employee, who is required to return to work in order to make a City related court appearance at a time not contiguous to the beginning or end of his/her shift, shall be paid for a minimum of three (3) hours time at the appropriate overtime rate. If the employee is held beyond the minimum three (3) hour period, he/she shall be compensated at the appropriate overtime rate to the nearest one-quarter (1/4) hour for the time his/her presence is required for such court appearance.

If the employee is normally scheduled to work between the hours of 7:00 p.m. and 7:00 a.m. and spends more than five (5) hours in court, he/she shall not be required to work, if scheduled that day. He/she may instead charge eight (8) hours to sick leave, provided he/she notifies the current supervisor at least two (2) hours prior to the beginning of his/her shift of his/her intention not to report for work under the provisions of this Section.

# (7) Actual Call-out Time

Actual call-out time shall be defined as the time between the following limits:

• The earlier of the time of arrival at the work site, or the time of arrival at the appropriate work facility, and

• The time of departure from the work site or from the appropriate work facility whichever is later.

If an employee is called back to work again after leaving from an earlier call-out he/she shall be deemed to have been called out again.

### (8) **Overtime - Basic Rate**

All work performed in excess of  $\frac{\text{eight (8)}}{\text{continuous hours or in excess of}}$  the regular forty (40) hour work week, shall be overtime and shall be compensated at the rate of time and one half (1-1/2) times the employee's regular rate of pay, except as provided below.

### (9) Overtime in Excess of Eight Hours

Any authorized hours of overtime worked in excess of eight (8) continuous hours of overtime shall be payable at twice the employee's regular rate of pay. This shall not apply to the first eight (8) hours worked on a holiday by an employee who is regularly scheduled to work on that holiday.

### (10) (9) Requirement to be Available to Work Overtime

It is an essential aspect of employment with the City that all employees make themselves available for overtime work. Employees who do not make themselves available and/or who otherwise refuse to work overtime on a regular or repeated basis or during emergencies (declared or otherwise) when requested to do so, and who do not have a bona fide reason for such unavailability and/or refusal, may be subject to disciplinary action, including dismissal.

### (11) (10) Part-time, Permanent Part-Time, Temporary Employees (Overtime)

For part-time, permanent part-time or temporary firefighters and emergency medical technicians (EMT's) to be eligible for overtime, such employee must work in excess of one hundred and six (106) hours for a bi-weekly pay period (work period) (fourteen (14) days).

For part-time, permanent part-time or temporary employees (not firefighters or EMT's) to be eligible for overtime, the employee must perform work in excess of forty (40) hours in a work week, regardless if they work over eight (8) hours in any given work day, except that any employee working in a City amusement or recreational establishment (example: public pool, golf course) that is open less than seven (7) months is exempt from any overtime rate of pay.

### (12) (11) Full-time Non Bargaining Firefighters or EMTs.

For full-time firefighters and emergency medical technicians (EMTs) who are not in the collective bargaining unit, and work a twenty-four (24) duty day, to be eligible for overtime, such employee must perform work in excess of fifty-three (53) hours per week or in excess of the regular twenty-four (24) hour duty day. When such employee is required to report back to work at a time not contiguous to his/her regularly scheduled duty day, thus necessitating additional travel to and from work, he/she shall be guaranteed a minimum of one (1) hour pay, (two (2) hours pay when so reporting back to work occurs between the hours of midnight and 5:00 a.m.), at his/her overtime rate for each call back to work.

For the purpose of this section, the term "report back" shall be defined as a specific and actual time that the employee returns to work only.

### (e) <u>Overtime - Salaried employees</u>

# (1) Applicability

This section is applicable to those persons or positions defined as the appointing authority and other employees that may be exempted from being paid the overtime rate pursuant to the provisions of the Fair Labor Standards Act.

# (2) General

In the case of salaried positions of managerial and professional employees, it is implicit in the nature of their positions that time beyond the normal work schedule may often be necessarily spent on the job for which no additional compensation is permitted.

# (3) Salaried Employees

Salaried employees are required to work the hours necessary to complete the work tasks. Although expected to work a normal forty (40) hour week, it is also understood that such employee may work less or more hours without deduction or additional compensation. Any abuse of this provision shall be determined by the council when dealing with appointees of council and determined by the appointing authority when dealing with salaried employees under their authority, as deemed appropriate by such authority.

# (f) Paid Lunch Periods

If the City determines that an hourly employee is required to remain at the work site for the entire length of a period of eight (8) hours or more, then the employee shall be permitted a one-half (1/2) hour paid lunch break during said period, provided the employee shall make him/herself available to respond to work demands during the lunch period if the need arises. Refusal to respond to work demands during lunch period if the need arises will be subject to discipline, including dismissal.

# (g) <u>Pay Plan</u>

# (1) Administration

The appointing authority shall be responsible for administering the pay plan for his/her respective department. Each appointing authority shall be responsible for making arrangements to ensure that the administration of the plan for all employees within his/her respective department is on an equitable basis.

# (2) Interpretation

The appointing authority shall be responsible for interpreting the application of the plan to all pay questions which are not specifically covered by this regulation, using the principles expressed herein as a policy guide.

# (3) New appointees

A new employee shall normally be paid the minimum rate of pay for his/her class. Exceptions may be granted in the following cases upon the written prior approval of the appointing authority.

# A. Appointments of Individuals With Less Than Minimum Qualifications

The minimum rate of each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should be started below the minimum rate of the class.

# B. Appointments of Individuals With More Than Minimum Qualifications

If a new employee more than meets the minimum qualifications and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher step. Cases should be thoroughly analyzed and measured against objective standards as determined by the appointing authority.

# (4) Pay Changes - Promotions, Transfers, Demotions and Reallocations

# A. Promotions to Higher Class

When an employee is promoted to a position in a higher class, his/her base pay shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to the step immediately above his/her present base pay.

# **B.** Transfers Voluntary

An employee who voluntarily transfers into another position shall so transfer at the current minimum base pay rate of the position into which the employee transfers, unless experience, skill, and position constitute being transferred at a higher pay rate, as shall be solely determined by the appointing authority.

# C. Demotions

When an employee is demoted to a lower class position, he/she shall be paid at a rate which is within the approved range for the lower class position. The rate of pay shall be set by the appointing authority.

# D. Reallocations Downward

When an employee's position is reallocated to a lower class of positions (non-

disciplinary), the employee shall be permitted to continue at his/her present rate (except in event of general service wide reductions), but such employee shall not be entitled to any base pay increase by any mechanism whatsoever, until and unless the sum of the base rate of pay for the reallocated position in the newly established level and class of the employee, plus any longevity pay entitlements of the employee applied to the base pay of the new level and class would become greater than the actual present pay rate of the employee.

# E. Reinstated Employees

A reinstated employee shall be paid at a base pay within the approval range for the position to which he/she is reinstated. The appointing authority will establish the rate of pay.

# F. Rates for Classes to be Established by Ordinance

The class plan rates of pay for each class of positions prescribed in the position classification plan for the City shall be changed by and rates of pay for new classes of positions shall be established by council in the form of ordinances, or amendments thereto which provide for such rates.

# (h) <u>Rest Periods</u>

Hourly employees may schedule with department head up to two (2) fifteen (15) minute rest periods during each work day which is scheduled to last eight (8) hours or more. Each rest period shall be taken at the work site, and shall in no circumstances exceed fifteen (15) minutes in length from the time productive work ceases until it begins again. Rest periods shall not be scheduled or taken in the first one and one half (1-1/2) hours of the work day.

# (i) <u>Retirement Contribution Pick-Up</u>

May be established by the City in separate legislation.

# (j) Salaries and Wages

Executive and management officers and employees' salaries for the following executive and management officers and employees shall be established by ordinance or resolution:

- City Manager
- City Finance Director
- City Law Director

# (k) <u>Total Remuneration</u>

The salary or hourly rate, plus reimbursement for expenses incurred by approved use of private automobile on City business, uniform allowance, official travel expense, and any special provisions outlined in this pay plan shall be the total remuneration for any employee. [Except as otherwise provided herein, no employee covered by this plan shall

receive pay from the City in addition to that authorized under the schedules provided in the pay plan for services rendered by him/her, either in the discharge of his/her duties, or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform.]

# (l) Shift Differential Pay - Non-Bargaining Hourly Employees in the Police Department

Non-bargaining hourly employees in the Police Department working between the hours of 3:00 p.m. and 11:00 p.m. (2nd shift) shall receive shift premium pay at the rate of two and one quarter (2-1/4%) percent of their rate of pay for those hours worked. Those non-bargaining hourly employees in the Police Department working between the hours of 11:00 p.m. and 7:00 a.m. (3rd shift) shall receive shift premium pay at the rate of two percent (2%) of their rate of pay for those hours worked (whether that be regular time, overtime, or acting time pay for either shift). (Ord. 093-08. Passed 12-15-08.)

# **197.15 MAJOR PAID BENEFITS**

# (a) Hospital and Medical Benefits

# (1) Applicability

This section (Major Paid Benefits) applies to all members or officers of the appointing authority and other full-time regular employees, both classified and unclassified; specifically exempt from this section are members of city council, the mayor, and, except as herein provided, the judge of the municipal court. Section <u>197.15</u>(d) (Pensions) applies to members of council and the mayor. The judge of the municipal court shall receive City shared contributions towards benefits as contained in this Section <u>197.15</u> to the extent permitted by law. Unless specifically authorized for part-time, permanent part-time or temporary employees are not eligible for major benefits, paid leave, or any other benefits described in this Code.

# (2) Scope of Health Benefits

Subject to reasonable cost containment measures, the City provides group hospitalization, surgical, and extended medical benefits for each full-time regular employee in accordance with the benefit schedule provided in the City's plan as on file in the office of the City Finance Director marked "City of Napoleon Health Benefit Plan (#HBP-1)"and as may be amended from time to time by resolution of Council. The Health Benefit Plan shall include covered services, co-pays and premium contribution.

# (b) Life Insurance

A death benefit, for non-bargaining employees, in the amount of thirty thousand dollars (\$30,000) shall be paid, under the terms of an insurance policy, to the designated beneficiary of a full-time regular employee of the City upon his/her death, providing such death occurs after the employee has completed thirty (30) days from the date of employment and the first of the month thereafter. Each employee shall furnish the City

with a beneficiary designation. In the event the employee has failed to designate a beneficiary then the benefit shall be made to his/her estate, upon the application of the legal representative. The City will provide a certificate of insurance to each employee.

# (c) <u>Leaves of Absence - Continuation of Premiums</u>

Upon the written request of an employee on leave of absence, the City will continue the employee's coverage under the group life and health insurance plans, and will pay its share of the premiums for such plans in accordance with the provisions of this section for a maximum of thirty (30) days, except as otherwise provided in Section <u>197.19(g)</u> of this code and except as otherwise provided by law that supersedes this code. On the first day of the month following the commencement of the employee's leave of absence, the employee will then and thereafter be solely responsible for the payment of all subsequent such premiums.

### (d) <u>Pension Funds</u>

Employees shall be provided coverage under the Public Employees Retirement - System or Police and Fireman's Disability and Pension Fund as appropriate.

### (e) <u>Severance Pay</u>

Upon retirement, death, resignation, or termination, employees shall be paid for all, if any accumulated but unpaid vacation, holidays, regular pay and overtime pay, or compensatory time due and owed to them as of their last date of employment. In case of death, the above payments shall be made to the employee's estate or designated survivor(s).

### (f) <u>Unemployment Compensation/Workers Compensation</u>

Employees shall be provided unemployment compensation coverage and workers compensation as required by law. (Ord. 093-08. Passed 12-15-08.)

# **197.16 PAID LEAVES OF ABSENCE**

### (a) <u>Applicability</u>

The provisions of this chapter shall apply only to employees who are full-time regular employees unless otherwise expressly applied to other than full-time regular employees. This chapter (Paid Leaves of Absence) shall also expressly apply to members or officers of the appointing authority and other full-time regular unclassified employees, excluding elected officials. Nothing in this provision (a) shall be construed as prohibiting the limiting or restricting of applicability of a leave policy to "key employees" as may be provided in a specific policy.

# (b) Applications for Time Off and Scheduling of Time Off

The following guidelines will be followed when applying for and authorizing time off. Vacation, holidays, personal holidays, and compensatory time are considered time off.

Number of Days Off	Minimum Notice
less than 5	7 days
5 plus	35 days

Any and all combinations of the above may be used when applying for time off.

To reserve vacation time, employees must apply for their vacations by November 25th of the year prior to the year the vacations will be taken and priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date. With regard to any vacation application received after November 25th, priority for time off within the above categories will be determined by departmental seniority is departmental seniority from an employee's most recent employment date only when employees apply for vacation on the same calendar day. Advanced application for vacation may be made so long as the employee will have credited the requested hours at the time the employee's vacation is to commence; however, an employee may not, in advance, lock in vacation dates for multiple years.

Exceptions to minimum notice may be permitted subject to the approval of the appropriate supervisor.

Authorization of time off is subject to availability of personnel, and the recognized City objective of minimizing overtime paid.

# (c) <u>Bereavement Leave</u>

# (1) General

A full-time regular employee may be granted a leave of absence with pay to attend the funeral of a member of his/her immediate family. Such leave of absence will be granted between the day of death until and including the day of the funeral, not to exceed three (3) calendar days and shall not be charged against the employee's accumulated sick leave.

Immediate family, for the purposes of this Section, shall be defined as the employee's grandparents, brother, sister, father, father-in-law, mother, mother-in-law, spouse, child, stepchild, grandchild, or legal guardian.

A full-time regular employee shall be granted a one (1) day leave of absence with pay to attend the funeral of his/her spouse's brother, sister and grandparents, or the employee's son-in-law, daughter-in-law, aunt and uncle.

In the event of the death of any other relative of an employee, the employee shall, upon request, be excused for one (1) day to attend the funeral, with such leave day being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively, the employee may elect to take an unpaid leave day.

### (2) Additional Bereavement Leave

Additional leave may be granted, at the discretion of the department head, or appointing authority whichever is applicable, for travel or such other related purposes, with such additional leave days being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively, the employee may elect to take the leave unpaid.

### (3) Notification Requirements for Bereavement Leave

The employee must notify his/her supervisor of the purpose of his/her absence as soon as possible but not later than one (1) hour prior to his/her scheduled starting time on the employee's first day of such absence from scheduled duty. The employee may be asked to provide to the department head, or appointing authority, whichever is applicable, verification of the death, relationship, and funeral date.

# (d) Personal Holidays

Except as herein provided, each employee shall be entitled to five (5) personal holidays per calendar year to be taken on any work day chosen by the employee and approved in advance by the employee's supervisor or the appointing authority, whichever is applicable. During the first calendar year of employment, the number of personal holidays, or portion thereof, shall be prorated based upon the month in which the employee is hired. An employee hired on December 1 or later shall have no personal holidays for that year. Personal holidays must be taken prior to the last day of the last complete pay period of the calendar year or they will be lost. Personal holidays from year to year cannot be accumulated.

For officers of the police department, any holidays banked shall be taken prior to the last day of the last complete pay period in November, or they will be converted to eight (8) hours cash payment on the first pay of December.

Instead of what has been stated above, the Assistant Chief of the fire/rescue department shall be entitled to five (5) personal days or one hundred twenty (120) hours each calendar year.

# (e) <u>Sick Leave</u>

# (1) Crediting of Sick Leave

Except as otherwise provided, sick leave credit shall be earned at the rate of 0.0575 hours for each hour of service only in active pay status, up to a maximum yearly accumulation of one hundred twenty (120) hours. Unused sick leave credit shall accumulate from year to year without limit. Effective September 1, 2000, of the non-full-time regular status employees, only permanent part-time employees shall earn sick leave credit and at the same rate as full-time regular employees; however, any other part-time or temporary

employee that received such benefit prior to September 1, 2000 shall retain the same until such time is otherwise exhausted.

The Assistant Chief of the fire/rescue department may accumulate a maximum of one hundred ninety-two (192) sick leave hours each calendar year; however, in no event shall the Assistant Chief of the fire/rescue department accumulate more than three thousand six hundred (3,600) total hours.

### (2) Retention of Sick Leave

An employee who formerly worked for another public agency shall be given credit for any accumulated but unused sick leave provided that the employee was hired by the city within ten (10) years of the date on which the employee was last terminated from public service, and further provided that deduction from such sick leave credit shall be made for any payment or credit given by the previous agency in lieu of taking sick leave.

Unless otherwise provided by a specific ordinance or resolution of council pertaining to employment or previously authorized by the City, the sick leave so credited (transferred) may be used only to extend sick leave coverage while in the employment of the City, and only after all sick leave earned at the City has been exhausted; further, unless otherwise provided, such credited (transferred) sick leave may not be used in computing sick leave payout at retirement or additional (sick leave conversion) vacation leave purposes.

This provision shall not narrow or reduce the amount of sick leave credit received, nor shall it narrow or reduce a current sick leave balance, a sick leave conversion right or sick leave payout, as was previously authorized, of any person who is employed by the City at the time of this Code enactment.

### (3) Expiration of Sick Leave

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted further leave in accordance with the City's FMLA policy, or other applicable leave policies, subject to qualification.

### (4) Charging of Sick Leave

Sick leave shall be charged in minimum units of one-quarter (1/4) hour. An employee shall be charged for such leave only for days upon which he/she would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

### (5) Uses of Sick Leave

Sick leave shall be granted to an employee who qualifies for sick leave only upon approval of the City and for the following reasons:

Illness or injury of the employee that requires time off from work.

Illness or injury to a member of an employee's immediate family when care or attendance by the employee is necessary requiring time off from work.

Medical, dental or optical examination or treatment of an employee or a member of his/her immediate family which requires the employee to take time off work, and which cannot be scheduled during non-working hours or, when a member of the immediate family of an employee is afflicted with a contagious disease that requires the care and attendance of the employee or when, through exposure to a contagious disease the presence of the employee at his/her job would jeopardize the health of others.

For the purpose of this section, immediate family shall include the employee's father, mother, spouse, child, without regard to residency and will include a stepchild if in the employee's residence. The immediate family provisions contained herein shall be for a limited period of time (not to exceed three (3) consecutive days per week) to enable the employee to secure other arrangements for the care of the member of his/her immediate family, except as may be approved by the employee's appointing authority in unusual and exceptional circumstances.

\* Notwithstanding any other provision in this section, pregnancy, childbirth and other related medical conditions and temporary disability requiring the necessity of an employee to take time off work, will be considered, subject to qualification, under the FMLA and pregnancy and temporary disability policies of the City. In cases where any other leave qualifies, the applicable leave policy shall control in accordance with the City's Employment Policy Manual.

### (6) Evidence Required for Sick Leave Usage

Any employee requesting sick leave shall be required to furnish a satisfactory written signed statement to justify the use of sick leave.

If medical attention is required, a certificate stating the nature of the illness from a physician shall be required to justify the use of sick leave. Falsification of either a written, signed statement, or a physician's certificate may be grounds for disciplinary action including dismissal.

### (7) Notification by Employee

When an employee is unable to report to work, he/she shall notify his/her immediate supervisor, or other designated person, one (1) hour before the time he/she is scheduled to report to work on each day of absence, unless emergency conditions make it impossible, or other arrangements have been made in advance with the supervisor.

### (8) Abuse of Sick Leave

Employees failing to comply with sick leave rules and regulations shall not be paid for the period of time missed from work. Application for sick leave with intent to defraud will result in denial of pay to cover the day(s) in question and may result in disciplinary action up to and including dismissal. If pay has been received for sick leave for which there was no entitlement, the City shall have the right to recover from the employee any money wrongly paid.

Sick leave shall not be paid to any employee for time off of work which results from any action within the control of the employee such as intentional self-inflicted wounds, use of illegal drugs, alcoholic beverages, or injury sustained while committing a felony or other criminal action. This provision shall not apply to sick leave used for the purposes of participating in bona fide drug treatment, alcohol treatment, or mental health treatment programs.

### (9) Physician Statement

Employees on sick leave on more than three (3) consecutive working days shall be required to furnish a certificate from a physician notifying the City that the employee is unable to perform the job, and may be required to present a like certificate from a physician upon the employee's return to work indicating his/her fitness and ability to perform the job.

In addition, employees shall also be required to furnish a certificate from a physician for each illness of less than three (3) days duration, for each occasion which exceeds any one (1) of the following calendar year limits:

• Two (2) occasions per employee for the employee's illness, for which no physician's certificate was presented and/or two (2) occasions per family member, for which no physician's certificate was presented; however, the total occasions per calendar year shall not exceed four (4).

Exceptions may be made to the limits listed above in certain circumstances, and only upon advance written approval of the department head or the appointing authority, whichever is applicable.

Employees may be required to furnish a certificate from a physician for each illness of less than three (3) days duration, for each occasion which is less than any one (1) of the calendar year limits shown above, if the City has reasonable suspicion that sick leave abuse is occurring or will occur.

Where sick leave is requested to care for a member of the immediate family, the City may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person.

### (10) Physical Examination

The City may require an employee to take an examination, conducted by a physician, to determine the employee's physical or mental capability to perform the job. If determined incapable of doing so as a result of such examination, the employee may be placed on paid leave of absence, unpaid leave of absence, or disability separation. The cost of such examination shall be paid by the City.

### (11) Sick-Leave Payout

Unless otherwise provided or modified by a specific ordinance or resolution of Council pertaining to employment, or unless otherwise declined by the employee, or otherwise deferred by the employee in anticipation of rehire by the City, any employee who retires or otherwise departs service, other than an involuntary departure, after ten (10) years of continuous service with the City or who dies in service after five (5) years of continuous service with the City, except part-time permanent employees, shall be compensated for accumulated but unused sick leave at the time of retirement or death in the form of a lump sum payment at the rate of:

• One (1) day's pay for every four (4) days of accumulated but unused sick leave up to nine hundred sixty (960) hours; the remaining time shall be at the rate of one (1) day's pay for every three (3) days of accumulated but unused sick leave.

• Such lump sum payment shall reduce to zero (i.e., eliminate) the employee's sick leave credit.

An employee's "daily base rate" or "day's pay" shall be figured by dividing the employee's annual base rate at the time of retirement or voluntary departure by 2080 hours and multiplying that base hourly rate figure by eight (8) hours.

The death benefit payment shall be made to the beneficiary designated by the employee in writing on a form provided by the City. In the event that there is no such valid designation, the payment shall be made to the employee's estate upon application of the legal representative thereof.

In the case of sick leave payout being deferred in anticipation of rehire by the City, the sick leave reconciliation shall be made as provided for in this section. A rehired employee shall be entitled to use all or part of the deferred sick leave so long as it is used in accordance with use of sick leave policies of the City. Any deferred sick leave amount may be demanded for payment by the earner of the sick leave at anytime in accordance with the sick leave payout schedule, so long as the sick leave is not used or otherwise transferred to another governmental entity. In any event, full reconciliation and settlement of deferred sick leave payout shall be completed not later than twenty-four (24) months after last employment with the City.

### (12) Sick Leave Conversion

An employee with a sick leave balance in excess of nine hundred and sixty (960) hours may use a portion of such excess sick leave as vacation time by converting three (3) sick leave days for each one (1) day of vacation time. An employee may convert up to a maximum of fifteen (15) such excess sick leave days per calendar year. However, such conversion shall not be permitted if payment of overtime to another employee becomes necessary as a result. This provision is subject to the provisions contained in Section 197.18 of this Code (Vacations).

### (f) Legal Holidays

### (1) Effects of Vacations and Days Off on City Observed Legal Holidays

When one (1) of the City observed legal holidays falls within an eligible employee's approved vacation period or scheduled day off, he/she shall be entitled to holiday pay for the legal holiday in lieu of his/her vacation pay. Those employees who work "shift work" may elect to receive the pay, to bank the holidays, or to bank the vacation day. Except for salary employees, shift work employees who work on any of the herein City observed legal holidays listed shall have the option of electing one (1) of the following when applied for in writing by the employee to the payroll department prior to the next scheduled pay period following the holiday:

Receive eight (8) hours holiday pay plus one and one-half (1-1/2) times their regular rate of pay for all time worked, except in the case of the Assistant Chief of the fire department position(s) which shall receive 11.2 hours holiday pay plus one and one-half (1-1/2) times his/her regular rate of pay for all time worked.

Receive an additional banked holiday (to be taken off prior to the ending of the next to last full pay period of the current fiscal year) plus receive one and one-half (1-1/2) times their regular rate of pay for all time worked. If the additional banked holiday is not taken off by the end of the next to last full pay period of the year it shall be paid in cash for eight (8) hours at straight time (except for the positions of Assistant Chief of the fire/rescue department which shall be 11.2 hours) rate payable the first pay in December of the current fiscal year.

### (2) **Observance Days**

For employees who have a regular work schedule other than Monday to Friday, the observance of the holiday shall be on the day of such City observed legal holiday. For those employees whose regular schedule is Monday to Friday, City observed legal holidays that fall on a Saturday will be observed on Friday, and City observed legal holidays that fall on Sunday will be observed on Monday.

### (3) Schedule of Observed Legal Holidays

The following are the paid City observed legal holidays:

January 1, Good Friday (being the Friday immediately prior to Easter Sunday), Memorial Day (being the last Monday in May), July 4th, Labor Day (being the first Monday in September), Thanksgiving (being the fourth Thursday in November), December 25th, and an additional floating holiday as specified below:

If December 25th is Sunday, then December 25th will be recognized on December 26th and an employee shall also receive December 27th as the additional floating holiday.

If December 25th is Monday, then an employee shall also receive December 26th as the additional floating holiday.

If December 25th is Tuesday, then an employee shall also receive December 24th as the additional floating holiday.

If December 25th is Wednesday, then an employee shall also receive the day after Thanksgiving as the additional floating holiday.

If December 25th is Thursday, then an employee shall also receive December 26th as the additional floating holiday.

If December 25th is Friday, then an employee shall also receive December 24th as the additional floating holiday.

If December 25th is Saturday, then December 25th will be recognized on December 24th and an employee shall also receive December 23rd as the additional floating holiday.

In addition to what has been stated herein, President's Day shall be considered a legal holiday for the Assistant Chief of the fire/rescue department position(s); regardless, President's Day shall not be construed as a legal holiday for the City for any other purpose.

# (4) Failure to Work on Holiday

To become eligible for holiday pay, the employee must work the full last scheduled work day prior to, and the full next scheduled work day after, each of the City observed legal holidays listed unless the employee was otherwise in active pay status.

Employees who are scheduled to work on a designated City observed legal holiday and do not report for work on the holiday shall not be entitled to holiday pay unless their reason for not reporting would ordinarily constitute an acceptable excuse under the applicable provisions of this Code.

(Ord. 093-08. Passed 12-15-08.)

# 197.17 TRAUMA LEAVE

Applicability: This Chapter is applicable to full-time regular employees of the classified service.

If a full-time regular employee in the classified service, while acting in his/her official capacity, is involved in an incident resulting in death or permanent disfigurement or disability to a person, or witnesses the death or permanent disfigurement or disability of a fellow employee, or witnesses the death of a person due to the application of deadly force by another, that employee shall receive trauma leave upon request of the employee to relieve the stress which has resulted from such incident.

The duration of such trauma leave shall be approved by the appointing authority. However, under no circumstances shall such trauma leave exceed thirty (30) days.

While on such trauma leave, the employee shall receive his/her normal rate of pay for such days, and they shall not be charged to his/her sick leave or any other accumulated but unused leave time.

Prior to his/her return to work, the City shall require the employee to take an examination, conducted by a physician, to determine if the affect of the trauma is relieved to the extent that the employee is both physically and mentally capable to perform the essential duties of the job. If determined incapable of doing so as a result of such examination, the employee may be placed on paid leave of absence, unpaid leave of absence, or disability separation. The cost of such examination shall be paid by the City. (Ord. 44-01. Passed 5-21-01.)

### **197.18 VACATIONS**

### (a) <u>Entitlement Restrictions</u>

Except as otherwise provided in Section  $\underline{197.18}(h)$ , full-time regular employees are entitled to vacation with pay after one (1) year of continuous service in the most recent employment with the City and will be due only upon the completion of the first year of said employment, calculated from hire date. The amount of vacation leave to which an employee is entitled is based upon length of service and calculated and earned on a biweekly basis as follows:

Full-time regular employees (except Assistant Chief of the fire/rescue department positions)

Years of Service	Annual Hours	Bi-Weekly Accrual Hours
0 year but less than 6 years	80 hours	3.077 hours/each normal pay
6 years but less than 12	120 hours	4.616 hours/each normal pay
12 years or more	160 hours	6.154 hours/each normal pay

Full-time Assistant Chiefs of the fire/rescue department positions:

0 year through 1	48 hours	1.85 hours/each normal pay
2 years through 8	120 hours	4.62 hours/each normal pay
9 years through 15	192 hours	7.385 hours/each normal pay
16 years or more	240 hours	9.231 hours/each normal pay

### (b) Effect of Time Spent on Authorized Leave of Absence

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

### (c) <u>Scheduling of Vacations</u>

Vacations will be arranged to give consideration to the desire of the employee in accordance with a procedure established by the employee's department head which will not interfere with City operations.

### (d) Vacations to be Taken During Year After Earned

Except for the first year of service, accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule. An employee shall not allow his/her total vacation time to exceed eighty (80) hours his/her maximum accrual entitlement for any employment year (considered for the purpose of this Section as being from the employee's anniversary date to the employee's next anniversary date) without prior approval from the appointing authority. This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section <u>197.16</u>(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

### (e) <u>Vacation Forfeiture</u>

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (l) year of continuous service.

### (f) Accrual

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

### (g) Lump Sum Payment of Vacation

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

### (h) **Prior Service Credit.**

**A.** Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an

employee first employed on or after July 5, 1987 by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted. Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave. (Ord 059-13. Passed 11-18-13.) except as otherwise herein provided. An employee who retired from the City of Napoleon in accordance with the provisions of any retirement plan offered by the State of othio and who retired from the City of Napoleon after August 1, 2005, shall upon rehire to a full time regular position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement and thereafter the service credit shall increase on an annual basis.

**B.** Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.

**C.** Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)

# **197.19 OTHER LEAVES OF ABSENCE**

# (a) Leave of Absence In General

### (1) Application

The provisions of this Chapter shall apply only to full-time regular employees. This Chapter shall, unless otherwise stated, also apply to members or officers of the appointing authority, except members of city council and the mayor.

### (2) Authorization of unpaid leave

The authorization of a leave of absence without pay is a matter of administrative discretion. The City shall decide in each individual case if a leave of absence is to be granted, within the limitations of this Code.

# (3) Sick Leave Credit and Vacation Credit

An employee on leave of absence without pay does not earn sick leave or vacation credit. However, the time spent on authorized unpaid leave of absence is to be counted in determining length of service for purpose of calculating vacation eligibility or other purposes where seniority is a factor, unless otherwise stated to the contrary in other applicable ordinance or resolution.

### (4) Falsification of Leave

Any leave of absence obtained through false representation, deceit, or fraud may be cause for disciplinary action up to and including dismissal.

### (5) Reinstatement From Leave

Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave is to be on a temporary basis.

### (b) <u>Court Leave</u>

Court leave with pay will be granted to an employee who is summoned and required to appear for jury duty by the United States, the State of Ohio, or a political subdivision during regular working hours. Court leave with pay will be granted to any employee subpoenaed and required to appear as a plaintiff, defendant, or witness in a criminal or civil matter related to City business so long as the action in controversy is not a controversy between the City and the employee so appearing.

Employees will not be entitled to court leave when appearing in court for criminal or civil cases being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences may be charged to leave without pay, vacation or other accumulated compensable time upon approval of the employee's supervisor.

Employees shall honor any subpoena issued to them including those for Worker's Compensation and Unemployment Compensation.

Employees are expected to report for work if, after court or jury duty responsibilities are met, two (2) hours or more of the employee's regularly scheduled shift remains.

All moneys received as compensation, unless jury duty was served totally outside of regular working hours, shall be turned over to the City.

### (c) <u>Temporary Disability Leave</u>

Temporary disability leave shall be considered, subject to qualification, under the pregnancy and temporary disability leave policy of the City as contained in the City's Employment Policy Manual.

# (d) <u>Injury Leave</u>

Injury leave shall be considered, subject to qualification, under worker's compensation or the FMLA or pregnancy and temporary disability leave policies of the City as contained

in the City's Employment Policy Manual.

# (e) <u>Reinstatement after Injury or after Leave Due to Injury</u>

# (1) General.

An employee who is absent due to Injury Leave as defined in the Section (Injury Leave), or who has been separated from service due to injury or physical disability incurred in the performance of duty, will be considered for reinstatement only through the reinstatement application process, provided that such application shall be filed not later than the earliest of the following:

- Twenty four (24) months after the injury occurred; or,
- Twelve (12) months after leave from service under the provisions of this Chapter; or,
- The date of service eligibility retirement.

# (2) Payment of Accumulated Sick Leave after Injury

Except for part-time, permanent employees, any employee who is permanently separated from City service due to a service related disability compensated by the Ohio Bureau of Workers Compensation or the appropriate Retirement System Fund, as a result of a bodily injury received in the line of duty, shall receive a lump sum payment for one-half (1/2) of his/her accumulated but unused sick leave. Such lump sum payment shall reduce the employee's sick leave credit to zero. If the one-half (1/2) lump sum payment has not been made before the employee dies, the designated beneficiary of any employee who dies as a proximate result of such an injury shall receive payment for the full balance of the accumulated but unused sick leave.

# (f) Military Leave

All employees who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time not to exceed a total of thirty-one (31) days in any one (1) calendar year. If while on active duty the employee's total gross wages are less than what they earn in City employment, the City will pay the employee the salary difference. If while on active duty the employee's total gross military wages are equal to or greater than what they earn in gross wages through City employment, the employee will not receive any salary reimbursement from the City.

• The employee is required to submit to his/her supervisor an order or statement from the appropriate military commander as evidence of such duty. There is no requirement that the service be in one (1) continuous period of time. The maximum number of hours for which payment may be made in any one (1) calendar year under this provision is one hundred seventy six (176) hours. Compensation received for the above purposes, not to

exceed one hundred seventy six (176) hours, shall be submitted to the city finance director upon return from such duty, or as soon as possible. The city finance director will give the employee a receipt for the same.

• Employees who have worked for the City for at least thirty (30) calendar days will be granted a leave of absence without pay to be inducted or to otherwise enter military service. They are not paid for such leave unless they are members of reserve components as specified in the first paragraph of this Section.

• An appointment may be made to fill a vacancy created when an employee enters military service. However, if the person filling such a vacancy also enters military service he/she may be reinstated to the position after completion of service only if the first employee (the original incumbent) fails to apply to reinstatement within ninety (90) days of discharge or made written waiver of all rights to the position.

• An employee who voluntarily re-enlists while on active duty or a commissioned officer who voluntarily enters into extended duty beyond that required upon accepting a commission, is not eligible for reinstatement.

• Employees who are members of the Ohio National Guard will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor or assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. This leave will cover the official period of the emergency.

• Except for veterans that voluntarily re-enlist while on active duty or who voluntarily enters into extended duty beyond that required, a veteran separated or discharged under honorable conditions must in order to be reinstated, make application for re-employment to the former position within ninety (90) days from the date of release from service, or within ninety (90) days after release from hospitalization due to in service injury or illness which has not exceeded a period of more than one (1) year.

The following procedure will apply:

• A copy of a discharge or certificate of service must accompany all requests for reinstatement or reappointment;

• If a proper copy of discharge or certification is in order, reinstatement shall be accomplished within thirty (30) days after application is received by the appointing authority;

• Any change in classification or pay range which would have accrued to the position if the employee had been on the job shall apply.

# (g) <u>Unpaid Personal Leave</u>

Any unpaid personal leave of absence requested must be submitted to the department head and approved by the appointing authority or his/her designated representative at least three (3) working days prior to the start of such leave. Unless otherwise specified, unpaid personal leave of absence is without benefits. Unpaid personal leave of absence, if approved, shall not exceed thirty (30) day intervals, and unless otherwise specified, shall be granted or denied at the discretion of the appointing authority or his/her designated representative.

Unpaid personal leaves of absences will generally not be granted for the purpose of working elsewhere, which includes self-employment.

### (h) Family and Medical Leave (FMLA)

FMLA leave shall be as contained in the City's Employment Policy Manual. (Ord. 13-04. Passed 3-1-04.)

# Fw: Fwd: Urgent action being taken by Ohio Senate regarding Municipal Income Tax administration

From: "Gregory J Heath" <gheath@napoleonohio.com> To: "Roxanne Dietrich" <rdietrich@napoleonohio.com> 05/27/14 08:33 AM

For Council Packets!

-----Original Message-----From: "Michelle Jordan" <datataxgroup@gmail.com> To: undisclosed-recipients: Date: 05/20/2014 12:41 PM Subject: Fwd: Urgent action being taken by Ohio Senate regarding Municipal Income Tax administration

URGENT!!! Please distribute this to everyone in your administration who is following Am Sub HB 5 and the issue related to SB 282.

This creates a tremendous burden for all. More information to follow as we get it....

Michelle

------ Forwarded message ------From: **Kent Scarrett** <<u>kscarrett@omlohio.org</u>> Date: Tue, May 20, 2014 at 12:05 PM Subject: Urgent action being taken by Ohio Senate regarding Municipal Income Tax administration To: Michelle Jordan <<u>datataxgroup@gmail.com</u>>

### HEY MICHELLE-COULD YOU BLAST THIS OUT TO OUR/YOUR PEOPLE? THANKS

At noon today the Ohio Senate Finance Committee will amend HB483, the MBR bill dealing with general government issues, to alter current municipal tax operations. The language being offered THROUGH A MASSIVE OMNIBUS AMENDMENT was not shared with the league or any other municipal official to gauge the consequence of such a new mandate on the 592 Ohio cities and village that currently operate a municipal income tax.

This is the quick blurb from Gongwer we just received. We are still trying to get the actual language and the omnibus amendment....."Harkening to the ongoing debate over municipal income tax administration, language in the revised bill would require cities to annually report to the Tax Commissioner the amount of income tax revenue collected from resident and nonresident individuals."

At this time this is all we know about the actions being taken on this critical issue. I will be sure to provide greater detail with the actual language that is being amended into state law once we have a copy of the proposal.

Kent

Kent M. Scarrett Director of Communications/Lobbyist



# Fw: Copy of SB 282 - Restricting municipal income tax to residents only

From: "Gregory J Heath" <gheath@napoleonohio.com>

05/27/14 09:06 AM

To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

Cc: "Shannon Fielder" <sfielder@napoleonohio.com>, "Chris Peddicord" <cpeddicord@napoleonohio.com>

Attachments: 130\_SB\_282\_I\_Y.pdf (56.4 kB);

For Council Packets!

-----Original Message-----From: "Michelle Jordan" <datataxgroup@gmail.com> To: "undisclosed-recipients:"@napoleonohio.com Date: 05/22/2014 08:51 AM Subject: Copy of SB 282 - Restricting municipal income tax to residents only

Dear DATA members:

Since there is a Senate bill pending that would allow taxation only at the resident level, and there is a push for separating and reporting information for residents versus nonresidents, I thought it would be good for everyone to have a copy of SB 282. This bill, introduced by Senator Jordan and co-sponsored by Senator Schaffer, would restrict municipal income tax to residents only.

Please share with your administration, and everyone else following this issue.

Thank you!!

Michelle

Michelle Jordan DATA Dayton Area Tax Administrators

Tax Manager, Dayton Branch Office Central Collection Agency 371 W Second St, Suite 110 Dayton OH 45402 937.227.1359 Office 216.857.7382 Cell www.ccatax.ci.cleveland.oh.us

### As Introduced

130th General Assembly Regular Session 2013-2014

S. B. No. 282

**Senator Jordan** 

### **Cosponsor: Senator Schaffer**

A BILL

То	amend sections 709.023, 718.01, 718.02, 718.04,	1
	and 718.14 and to repeal section 718.011 of the	2
	Revised Code to prohibit municipal corporations	3
	from levying an income tax on nonresidents'	4
	compensation for personal services or net profits	5
	from a sole proprietorship.	6

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That s	sections 709.023,	718.01, 718.02, 718.04,	and 7
718.14 of the Revised	Code be amended t	o read as follows:	8

Sec. 709.023. (A) A petition filed under section 709.021 of 9 the Revised Code that requests to follow this section is for the 10 special procedure of annexing land into a municipal corporation 11 when, subject to division (H) of this section, the land also is 12 not to be excluded from the township under section 503.07 of the 13 Revised Code. The owners who sign this petition by their signature 14 expressly waive their right to appeal in law or equity from the 15 board of county commissioners' entry of any resolution under this 16 section, waive any rights they may have to sue on any issue 17 relating to a municipal corporation requiring a buffer as provided 18 in this section, and waive any rights to seek a variance that 19

would relieve or exempt them from that buffer requirement. 20

The petition circulated to collect signatures for the special 21 procedure in this section shall contain in boldface capital 2.2 letters immediately above the heading of the place for signatures 23 on each part of the petition the following: "WHOEVER SIGNS THIS 24 PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY 25 FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION 26 PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 27 OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 28 DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 29

(B) Upon the filing of the petition in the office of the 30 clerk of the board of county commissioners, the clerk shall cause 31 the petition to be entered upon the board's journal at its next 32 regular session. This entry shall be the first official act of the 33 board on the petition. Within five days after the filing of the 34 petition, the agent for the petitioners shall notify in the manner 35 and form specified in this division the clerk of the legislative 36 authority of the municipal corporation to which annexation is 37 proposed, the fiscal officer of each township any portion of which 38 is included within the territory proposed for annexation, the 39 clerk of the board of county commissioners of each county in which 40 the territory proposed for annexation is located other than the 41 county in which the petition is filed, and the owners of property 42 adjacent to the territory proposed for annexation or adjacent to a 43 road that is adjacent to that territory and located directly 44 across that road from that territory. The notice shall refer to 45 the time and date when the petition was filed and the county in 46 which it was filed and shall have attached or shall be accompanied 47 by a copy of the petition and any attachments or documents 48 accompanying the petition as filed. 49

Notice to a property owner is sufficient if sent by regular 50

United States mail to the tax mailing address listed on the county 51 auditor's records. Notice to the appropriate government officer 52 shall be given by certified mail, return receipt requested, or by 53 causing the notice to be personally served on the officer, with 54 proof of service by affidavit of the person who delivered the 55 notice. Proof of service of the notice on each appropriate 56 government officer shall be filed with the board of county 57 commissioners with which the petition was filed. 58

(C) Within twenty days after the date that the petition is 59 filed, the legislative authority of the municipal corporation to 60 which annexation is proposed shall adopt an ordinance or 61 resolution stating what services the municipal corporation will 62 provide, and an approximate date by which it will provide them, to 63 the territory proposed for annexation, upon annexation. The 64 municipal corporation is entitled in its sole discretion to 65 provide to the territory proposed for annexation, upon annexation, 66 services in addition to the services described in that ordinance 67 or resolution. 68

If the territory proposed for annexation is subject to zoning 69 regulations adopted under either Chapter 303. or 519. of the 70 Revised Code at the time the petition is filed, the legislative 71 authority of the municipal corporation also shall adopt an 72 ordinance or resolution stating that, if the territory is annexed 73 and becomes subject to zoning by the municipal corporation and 74 that municipal zoning permits uses in the annexed territory that 75 the municipal corporation determines are clearly incompatible with 76 77 the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township 78 from which the territory was annexed, the legislative authority of 79 the municipal corporation will require, in the zoning ordinance 80 permitting the incompatible uses, the owner of the annexed 81 territory to provide a buffer separating the use of the annexed 82 territory and the adjacent land remaining within the township. For 83 the purposes of this section, "buffer" includes open space, 84 landscaping, fences, walls, and other structured elements; streets 85 and street rights-of-way; and bicycle and pedestrian paths and 86 sidewalks. 87

The clerk of the legislative authority of the municipal 88 corporation to which annexation is proposed shall file the 89 ordinances or resolutions adopted under this division with the 90 board of county commissioners within twenty days following the 91 date that the petition is filed. The board shall make these 92 ordinances or resolutions available for public inspection. 93

(D) Within twenty-five days after the date that the petition 94 is filed, the legislative authority of the municipal corporation 95 to which annexation is proposed and each township any portion of 96 which is included within the territory proposed for annexation may 97 adopt and file with the board of county commissioners an ordinance 98 or resolution consenting or objecting to the proposed annexation. 99 An objection to the proposed annexation shall be based solely upon 100 the petition's failure to meet the conditions specified in 101 division (E) of this section. 102

If the municipal corporation and each of those townships 103 timely files an ordinance or resolution consenting to the proposed 104 annexation, the board at its next regular session shall enter upon 105 its journal a resolution granting the proposed annexation. If, 106 instead, the municipal corporation or any of those townships files 107 an ordinance or resolution that objects to the proposed 108 annexation, the board of county commissioners shall proceed as 109 provided in division (E) of this section. Failure of the municipal 110 corporation or any of those townships to timely file an ordinance 111 or resolution consenting or objecting to the proposed annexation 112 shall be deemed to constitute consent by that municipal 113 corporation or township to the proposed annexation. 114

#### S. B. No. 282 As Introduced

the date that the petition is filed, the board of county 117 commissioners shall review it to determine if each of the 118 following conditions has been met: 119

(1) The petition meets all the requirements set forth in, and 120was filed in the manner provided in, section 709.021 of the 121Revised Code. 122

(2) The persons who signed the petition are owners of the
real estate located in the territory proposed for annexation and
124
constitute all of the owners of real estate in that territory.
125

(3) The territory proposed for annexation does not exceedfive hundred acres.

(4) The territory proposed for annexation shares a contiguous
boundary with the municipal corporation to which annexation is
proposed for a continuous length of at least five per cent of the
perimeter of the territory proposed for annexation.

(5) The annexation will not create an unincorporated area of
the township that is completely surrounded by the territory
proposed for annexation.

(6) The municipal corporation to which annexation is proposed
has agreed to provide to the territory proposed for annexation the
services specified in the relevant ordinance or resolution adopted
under division (C) of this section.

(7) If a street or highway will be divided or segmented by 139 the boundary line between the township and the municipal 140 corporation as to create a road maintenance problem, the municipal 141 corporation to which annexation is proposed has agreed as a 142 condition of the annexation to assume the maintenance of that 143 street or highway or to otherwise correct the problem. As used in 144 this section, "street" or "highway" has the same meaning as in 145

115

section 4511.01 of the Revised Code.

(F) Not less than thirty or more than forty-five days after 147 the date that the petition is filed, if the petition is not 148 granted under division (D) of this section, the board of county 149 commissioners, if it finds that each of the conditions specified 150 in division (E) of this section has been met, shall enter upon its 151 journal a resolution granting the annexation. If the board of 152 county commissioners finds that one or more of the conditions 153 specified in division (E) of this section have not been met, it 154 shall enter upon its journal a resolution that states which of 155 those conditions the board finds have not been met and that denies 156 the petition. 157

(G) If a petition is granted under division (D) or (F) of 158 this section, the clerk of the board of county commissioners shall 159 proceed as provided in division (C)(1) of section 709.033 of the 160 Revised Code, except that no recording or hearing exhibits would 161 be involved. There is no appeal in law or equity from the board's 162 entry of any resolution under this section, but any party may seek 163 a writ of mandamus to compel the board of county commissioners to 164 perform its duties under this section. 165

(H) Notwithstanding anything to the contrary in section 166 503.07 of the Revised Code, unless otherwise provided in an 167 annexation agreement entered into pursuant to section 709.192 of 168 the Revised Code or in a cooperative economic development 169 agreement entered into pursuant to section 701.07 of the Revised 170 Code, territory annexed into a municipal corporation pursuant to 171 this section shall not at any time be excluded from the township 172 under section 503.07 of the Revised Code and, thus, remains 173 subject to the township's real property taxes. 174

(I) Any owner of land that remains within a township and that
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 is adjacent to territory annexed pursuant to this section who is
 176
 directly affected by the failure of the annexing municipal
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corporation to enforce compliance with any zoning ordinance it 178 adopts under division (C) of this section requiring the owner of 179 the annexed territory to provide a buffer zone, may commence in 180 the court of common pleas a civil action against that owner to 181 enforce compliance with that buffer requirement whenever the 182 required buffer is not in place before any development of the 183 annexed territory begins. 184

(J) Division (H)(12) of section 718.01 of the Revised Code185applies to the compensation paid to persons performing personal186services for a political subdivision on property owned by the187political subdivision after that property is annexed to a188municipal corporation under this section.189

### Sec. 718.01. (A) As used in this chapter:

(1) "Adjusted federal taxable income" means a C corporation's 191
federal taxable income before net operating losses and special 192
deductions as determined under the Internal Revenue Code, adjusted 193
as follows: 194

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

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

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

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(d)(i) Except as provided in division (A)(1)(d)(ii) of this 208
section, deduct income and gain included in federal taxable income 209
to the extent the income and gain directly relate to the sale, 210
exchange, or other disposition of an asset described in section 211
1221 or 1231 of the Internal Revenue Code; 212

(ii) Division (A)(1)(d)(i) of this section does not apply to
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the extent the income or gain is income or gain described in
214
section 1245 or 1250 of the Internal Revenue Code.
215

(e) Add taxes on or measured by net income allowed as a 216deduction in the computation of federal taxable income; 217

(f) In the case of a real estate investment trust and 218 regulated investment company, add all amounts with respect to 219 dividends to, distributions to, or amounts set aside for or 220 credited to the benefit of investors and allowed as a deduction in 221 the computation of federal taxable income; 222

(g) Deduct, to the extent not otherwise deducted or excluded 223 in computing federal taxable income, any income derived from a 224 transfer agreement or from the enterprise transferred under that 225 agreement under section 4313.02 of the Revised Code. 226

227 If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable 228 income as if the taxpayer were a C corporation, except guaranteed 229 payments and other similar amounts paid or accrued to a partner, 230 former partner, member, or former member shall not be allowed as a 231 deductible expense; amounts paid or accrued to a qualified 232 self-employed retirement plan with respect to an owner or 233 owner-employee of the taxpayer, amounts paid or accrued to or for 234 health insurance for an owner or owner-employee, and amounts paid 235 or accrued to or for life insurance for an owner or owner-employee 236 shall not be allowed as a deduction. 237

Nothing in division (A)(1) of this section shall be construed 238

as allowing the taxpayer to add or deduct any amount more than 239 once or shall be construed as allowing any taxpayer to deduct any 240 amount paid to or accrued for purposes of federal self-employment 241 tax. 242

Nothing in this chapter shall be construed as limiting or 243 removing the ability of any municipal corporation to administer, 244 audit, and enforce the provisions of its municipal income tax. 245

(2) "Internal Revenue Code" means the Internal Revenue Code 246 of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 247

(3) "Schedule C" means internal revenue service schedule C 248filed by a taxpayer pursuant to the Internal Revenue Code. 249

(4) "Form 2106" means internal revenue service form 2106250filed by a taxpayer pursuant to the Internal Revenue Code.251

(5) "Intangible income" means income of any of the following 252 types: income yield, interest, capital gains, dividends, or other 253 income arising from the ownership, sale, exchange, or other 254 disposition of intangible property including, but not limited to, 255 investments, deposits, money, or credits as those terms are 256 defined in Chapter 5701. of the Revised Code, and patents, 257 copyrights, trademarks, tradenames, investments in real estate 258 investment trusts, investments in regulated investment companies, 259 and appreciation on deferred compensation. "Intangible income" 260 does not include prizes, awards, or other income associated with 261 any lottery winnings or other similar games of chance. 262

(6) "S corporation" means a corporation that has made an
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election under subchapter S of Chapter 1 of Subtitle A of the
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Internal Revenue Code for its taxable year.
265

(7) For taxable years beginning on or after January 1, 2004, 266
"net profit" for a taxpayer other than an individual means 267
adjusted federal taxable income and "net profit" for a taxpayer 268
who is an individual means the individual's profit required to be 269

Code.

reported on schedule C, schedule E, or schedule F, other than any 270 amount allowed as a deduction under division (E)(2) or (3) of this 271 section or amounts described in division (H) of this section. 272 (8) "Taxpayer" means a person subject to a tax on income 273 levied by a municipal corporation. Except as provided in division 274 (L) of this section, "taxpayer" does not include any person that 275 is a disregarded entity or a qualifying subchapter S subsidiary 276 for federal income tax purposes, but "taxpayer" includes any other 277 person who owns the disregarded entity or qualifying subchapter S 278 subsidiary. 279 (9) "Taxable year" means the corresponding tax reporting 280 period as prescribed for the taxpayer under the Internal Revenue 281 282 (10) "Tax administrator" means the individual charged with 283 direct responsibility for administration of a tax on income levied 284 by a municipal corporation and includes: 285 (a) The central collection agency and the regional income tax 286 agency and their successors in interest, and other entities 287 organized to perform functions similar to those performed by the 288 central collection agency and the regional income tax agency; 289 (b) A municipal corporation acting as the agent of another 290 municipal corporation; and 291 (c) Persons retained by a municipal corporation to administer 292

a tax levied by the municipal corporation, but only if the 293 municipal corporation does not compensate the person in whole or 294 in part on a contingency basis. 295

(11) "Person" includes individuals, firms, companies, 296 business trusts, estates, trusts, partnerships, limited liability 297 companies, associations, corporations, governmental entities, and 298 299 any other entity.

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(12) "Schedule E" means internal revenue service schedule E	300
filed by a taxpayer pursuant to the Internal Revenue Code.	301
(13) "Schedule F" means internal revenue service schedule F	302
filed by a taxpayer pursuant to the Internal Revenue Code.	303
(B) No municipal corporation shall tax income at other than a	304
uniform rate.	305
(C) No municipal corporation shall levy a tax on income at a	306
rate in excess of one per cent without having obtained the	307
approval of the excess by a majority of the electors of the	308
municipality voting on the question at a general, primary, or	309
special election. The legislative authority of the municipal	310
corporation shall file with the board of elections at least ninety	311
days before the day of the election a copy of the ordinance	312
together with a resolution specifying the date the election is to	313
be held and directing the board of elections to conduct the	314
election. The ballot shall be in the following form: "Shall the	315
Ordinance providing for a per cent levy on income for (Brief	316
description of the purpose of the proposed levy) be passed?	317

FOR THE INCOME TAX	
AGAINST THE INCOME TAX	"

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321

318 319

In the event of an affirmative vote, the proceeds of the levy 322 may be used only for the specified purpose. 323

(D)(1) Except as otherwise provided in this section and 324
 <u>section 718.04 of the Revised Code</u>, no municipal corporation shall 325
 exempt from a tax on income compensation for personal services of 326
 individuals over eighteen years of age or the net profit from a 327
 business or profession. 328

(2)(a) For taxable years beginning on or after January 1, 329

2004, no municipal corporation shall tax the net profit from a 330 business or profession using any base other than the taxpayer's 331 adjusted federal taxable income. 332

(b) Division (D)(2)(a) of this section does not apply to any
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taxpayer required to file a return under section 5745.03 of the
Revised Code or to the net profit from a sole proprietorship.
335

(E)(1) The legislative authority of a municipal corporation
 may, by ordinance or resolution, exempt from withholding and from
 a tax on income the following:
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(a) Compensation arising from the sale, exchange, or other
 disposition of a stock option, the exercise of a stock option, or
 the sale, exchange, or other disposition of stock purchased under
 a stock option; or

(b) Compensation attributable to a nonqualified deferred
 343
 compensation plan or program described in section 3121(v)(2)(C) of
 344
 the Internal Revenue Code.
 345

(2) The legislative authority of a municipal corporation may 346 adopt an ordinance or resolution that allows a taxpayer who is an 347 individual to deduct, in computing the taxpayer's municipal income 348 tax liability, an amount equal to the aggregate amount the 349 taxpayer paid in cash during the taxable year to a health savings 350 account of the taxpayer, to the extent the taxpayer is entitled to 351 deduct that amount on internal revenue service form 1040. 352

(3) The legislative authority of a municipal corporation may 353 adopt an ordinance or resolution that allows a taxpayer who has a 354 net profit from a business or profession that is operated as a 355 sole proprietorship to deduct from that net profit the amount that 356 the taxpayer paid during the taxable year for medical care 357 insurance premiums for the taxpayer, the taxpayer's spouse, and 358 dependents as defined in section 5747.01 of the Revised Code. The 359 deduction shall be allowed to the same extent the taxpayer is 360 entitled to deduct the premiums on internal revenue service form3611040. The deduction allowed under this division shall be net of362any related premium refunds, related premium reimbursements, or363related insurance premium dividends received by the taxpayer364during the taxable year.365

(F) If an individual's taxable income includes income against 366 which the taxpayer has taken a deduction for federal income tax 367 purposes as reportable on the taxpayer's form 2106, and against 368 which a like deduction has not been allowed by the municipal 369 corporation, the municipal corporation shall deduct from the 370 taxpayer's taxable income an amount equal to the deduction shown 371 on such form allowable against such income, to the extent not 372 otherwise so allowed as a deduction by the municipal corporation. 373

(G)(1) In the case of a taxpayer who has a net profit from a 374 business or profession that is operated as a sole proprietorship, 375 no municipal corporation may tax or use as the base for 376 determining the amount of the net profit that shall be considered 377 as having a taxable situs in the municipal corporation, an amount 378 other than the net profit required to be reported by the taxpayer 379 on schedule C or F from such sole proprietorship for the taxable 380 381 year.

(2) In the case of a taxpayer who has a net profit from 382 rental activity required to be reported on schedule E, no 383 municipal corporation may tax or use as the base for determining 384 the amount of the net profit that shall be considered as having a 385 taxable situs in the municipal corporation, an amount other than 386 the net profit from rental activities required to be reported by 387 the taxpayer on schedule E for the taxable year. 388

(H) A municipal corporation shall not tax any of the 389following: 390

(1) The military pay or allowances of members of the armed 391

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forces of the United States and of members of their reserve	392
components, including the Ohio national guard;	393
(2) The income of religious, fraternal, charitable,	394
scientific, literary, or educational institutions to the extent	395
that such income is derived from tax-exempt real estate,	396
tax-exempt tangible or intangible property, or tax-exempt	397
activities;	398
(3) Except as otherwise provided in division (I) of this	399
section, intangible income;	400
(4) Compensation paid under section 3501.28 or 3501.36 of the	401
Revised Code to a person serving as a precinct election official,	402
to the extent that such compensation does not exceed one thousand	403
dollars annually. Such compensation in excess of one thousand	404
dollars may be subjected to taxation by a municipal corporation. A	405
municipal corporation shall not require the payer of such	406
compensation to withhold any tax from that compensation.	407
(5) Compensation paid to an employee of a transit authority,	408
regional transit authority, or regional transit commission created	409
under Chapter 306. of the Revised Code for operating a transit bus	410
or other motor vehicle for the authority or commission in or	411
through the municipal corporation, unless the bus or vehicle is	412
operated on a regularly scheduled route, the operator is subject	413
to such a tax by reason of residence or domicile in the municipal	414
corporation, or the headquarters of the authority or commission is	415
located within the municipal corporation;	416

(6) The income of a public utility, when that public utility
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is subject to the tax levied under section 5727.24 or 5727.30 of
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the Revised Code, except a municipal corporation may tax the
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following, subject to Chapter 5745. of the Revised Code:
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(a) Beginning January 1, 2002, the income of an electric421company or combined company;422

(b) Beginning January 1, 2004, the income of a telephone423company.424

As used in division (H)(6)(5) of this section, "combined 425 company," "electric company," and "telephone company" have the 426 same meanings as in section 5727.01 of the Revised Code. 427

(7)(6)On and after January 1, 2003, items excluded from428federal gross income pursuant to section 107 of the Internal429Revenue Code;430

(8) On and after January 1, 2001, compensation paid to a431nonresident individual to the extent prohibited under section432718.011 of the Revised Code;433

(9)(7)(a) Except as provided in divisions (H)(9)(7)(b) and 434 (c) of this section, an S corporation shareholder's distributive 435 share of net profits of the S corporation, other than any part of 436 the distributive share of net profits that represents wages as 437 defined in section 3121(a) of the Internal Revenue Code or net 438 earnings from self-employment as defined in section 1402(a) of the 439 Internal Revenue Code. 440

(b) If, pursuant to division (H) of former section 718.01 of 441 the Revised Code as it existed before March 11, 2004, a majority 442 of the electors of a municipal corporation voted in favor of the 443 question at an election held on November 4, 2003, the municipal 444 corporation may continue after 2002 to tax an S corporation 445 shareholder's distributive share of net profits of an S 446 corporation. 447

(c) If, on December 6, 2002, a municipal corporation was
imposing, assessing, and collecting a tax on an S corporation
shareholder's distributive share of net profits of the S
corporation to the extent the distributive share would be
allocated or apportioned to this state under divisions (B)(1) and
(2) of section 5733.05 of the Revised Code if the S corporation

were a corporation subject to taxes imposed under Chapter 5733. of 454 the Revised Code, the municipal corporation may continue to impose 455 the tax on such distributive shares to the extent such shares 456 would be so allocated or apportioned to this state only until 457 December 31, 2004, unless a majority of the electors of the 458 municipal corporation voting on the question of continuing to tax 459 such shares after that date vote in favor of that question at an 460 election held November 2, 2004. If a majority of those electors 461 vote in favor of the question, the municipal corporation may 462 continue after December 31, 2004, to impose the tax on such 463 distributive shares only to the extent such shares would be so 464 allocated or apportioned to this state. 465

(d) For the purposes of division  $\frac{(D)(C)}{(D)}$  of section 718.14 of 466 the Revised Code, a municipal corporation shall be deemed to have 467 elected to tax S corporation shareholders' distributive shares of 468 net profits of the S corporation in the hands of the shareholders 469 if a majority of the electors of a municipal corporation vote in 470 favor of a question at an election held under division 471 (H) (-9) (7) (D) or (C) of this section. The municipal corporation 472 shall specify by ordinance or rule that the tax applies to the 473 distributive share of a shareholder of an S corporation in the 474 hands of the shareholder of the S corporation. 475

(10)(8) Employee compensation that is not "qualifying wages" 476 as defined in section 718.03 of the Revised Code+ 477

(11) Beginning August 1, 2007, compensation paid to a person 478 employed within the boundaries of a United States air force base 479 under the jurisdiction of the United States air force that is used 480 for the housing of members of the United States air force and is a 481 center for air force operations, unless the person is subject to 482 taxation because of residence or domicile. If the compensation is 483 subject to taxation because of residence or domicile, municipal 484 income tax shall be payable only to the municipal corporation of 485

residence or domicile.

(12) Compensation paid to a person for personal services	487
performed for a political subdivision on property owned by the	488
political subdivision, regardless of whether the compensation is	489
received by an employee of the subdivision or another person	490
performing services for the subdivision under a contract with the	491
subdivision, if the property on which services are performed is	492
annexed to a municipal corporation pursuant to section 709.023 of	493
the Revised Code on or after March 27, 2013, unless the person is	494
subject to such taxation because of residence or domicile. If the	495
compensation is subject to taxation because of residence or	496
domicile, municipal income tax shall be payable only to the	497
municipal corporation of residence or domicile.	498

(I) Any municipal corporation that taxes any type of 499 intangible income on March 29, 1988, pursuant to Section 3 of 500 Amended Substitute Senate Bill No. 238 of the 116th general 501 assembly, may continue to tax that type of income after 1988 if a 502 majority of the electors of the municipal corporation voting on 503 the question of whether to permit the taxation of that type of 504 intangible income after 1988 vote in favor thereof at an election 505 held on November 8, 1988. 506

(J) Nothing in this section or section 718.02 of the Revised 507
Code shall authorize the levy of any tax on income that a 508
municipal corporation is not authorized to levy under existing 509
laws or shall require a municipal corporation to allow a deduction 510
from taxable income for losses incurred from a sole proprietorship 511
or partnership. 512

(K)(1) Nothing in this chapter prohibits a municipal
 corporation from allowing, by resolution or ordinance, a net
 operating loss carryforward.
 513

(2) Nothing in this chapter requires a municipal corporation 516

to allow a net operating loss carryforward.	517
(L)(1) A single member limited liability company that is a	518
disregarded entity for federal tax purposes may elect to be a	519
separate taxpayer from its single member in all Ohio municipal	520
corporations in which it either filed as a separate taxpayer or	521
did not file for its taxable year ending in 2003, if all of the	522
following conditions are met:	523
(a) The limited liability company's single member is also a	524
limited liability company;	525
(b) The limited liability company and its single member were	526
formed and doing business in one or more Ohio municipal	527
corporations for at least five years before January 1, 2004;	528
(c) Not later than December 31, 2004, the limited liability	529
company and its single member each make an election to be treated	530
as a separate taxpayer under division (L) of this section;	531
(d) The limited liability company was not formed for the	532
purpose of evading or reducing Ohio municipal corporation income	533
tax liability of the limited liability company or its single	534
member;	535
(e) The Ohio municipal corporation that is the primary place	536
of business of the sole member of the limited liability company	537
consents to the election.	538
(2) For purposes of division (L)(1)(e) of this section, a	539
municipal corporation is the primary place of business of a	540
limited liability company if, for the limited liability company's	541
taxable year ending in 2003, its income tax liability is greater	542
in that municipal corporation than in any other municipal	543
corporation in Ohio, and that tax liability to that municipal	544
corporation for its taxable year ending in 2003 is at least four	545
hundred thousand dollars.	546

Sec. 718.02. This section does not apply to taxpayers that 547 are subject to and required to file reports under Chapter 5745. of 548 the Revised Code or to taxpayers with a net profit from a business 549 or profession operated as a sole proprietorship. 550

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

(1) The average original cost of the real and tangible 557 personal property owned or used by the taxpayer in the business or 558 profession in such municipal corporation during the taxable period 559 to the average original cost of all of the real and tangible 560 personal property owned or used by the taxpayer in the business or 561 profession during the same period, wherever situated. 562

As used in the preceding paragraph, real property shall 563 include property rented or leased by the taxpayer and the value of 564 such property shall be determined by multiplying the annual rental 565 thereon by eight; 566

(2) Wages, salaries, and other compensation paid during the 567 taxable period to persons employed in the business or profession 568 for services performed in such municipal corporation to wages, 569 salaries, and other compensation paid during the same period to 570 persons employed in the business or profession, wherever their 571 services are performed, excluding compensation that is not taxable 572 by the municipal corporation under section 718.011 of the Revised 573 Code; 574

(3) Gross receipts of the business or profession from sales
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 made and services performed during the taxable period in such
 576
 municipal corporation to gross receipts of the business or
 577

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profession during the same period from sales and services, 578 wherever made or performed. 579

If the foregoing apportionment formula does not produce an 580 equitable result, another basis may be substituted, under uniform 581 regulations, so as to produce an equitable result. 582

(B) As used in division (A) of this section, "sales made in a 583municipal corporation" mean: 584

(1) All sales of tangible personal property delivered within
 such municipal corporation regardless of where title passes if
 shipped or delivered from a stock of goods within such municipal
 587
 corporation;

(2) All sales of tangible personal property delivered within
 such municipal corporation regardless of where title passes even
 though transported from a point outside such municipal corporation
 the taxpayer is regularly engaged through its own employees in
 the solicitation or promotion of sales within such municipal
 corporation and the sales result from such solicitation or
 promotion;

(3) All sales of tangible personal property shipped from a 596
place within such municipal corporation to purchasers outside such 597
municipal corporation regardless of where title passes if the 598
taxpayer is not, through its own employees, regularly engaged in 599
the solicitation or promotion of sales at the place where delivery 600
is made. 601

(C) Except as otherwise provided in division (D) of this
section, net profit from rental activity not constituting a
business or profession shall be subject to tax only by the
municipal corporation in which the property generating the net
foof
profit is located.

(D) This section does not apply to Nothing in this section
 prohibits a municipal corporation from imposing a tax on all
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income earned by individuals who are residents of the municipal 609 corporation and, except as otherwise provided in section 718.01 of 610 the Revised Code, a municipal corporation may impose a tax on all 611 income earned by residents of the municipal corporation to the 612 extent allowed by the United States Constitution and section 613 718.01 of the Revised Code. 614

(E) If, in computing the taxpayer's adjusted federal taxable 615 income, the taxpayer deducted any amount with respect to a stock 616 option granted to an employee, and if the employee is not required 617 to include in income any amount or any portion thereof because it 618 is exempted from taxation under division (H) (10)(8) of section 619 718.01 of the Revised Code and division (A)(2)(d) of section 620 718.03 of the Revised Code by a municipal corporation to which the 621 taxpayer has apportioned a portion of its net profit, the taxpayer 622 shall add the amount that is exempt from taxation to the 623 taxpayer's net profit that was apportioned to that municipal 624 corporation. In no case shall a taxpayer be required to add to its 625 net profit that was apportioned to that municipal corporation any 626 amount other than the amount upon which the employee would be 627 required to pay tax were the amount related to the stock option 628 not exempted from taxation. 629

This division applies solely for the purpose of making an 630 adjustment to the amount of a taxpayer's net profit that was 631 apportioned to a municipal corporation under divisions (A) and (B) 632 of this section. 633

<b>Sec. 718.04.</b> (A) Except as otherwise provided in section	634
718.01 of the Revised Code, a municipal corporation may impose a	635
tax on all income earned by residents of the municipal corporation	636
to the extent allowed by the United States Constitution.	637

(B) No municipal corporation other than the municipal 638 corporation of residence shall levy a tax on the income of any 639

member or employee of the Ohio general assembly including the	640
lieutenant governor which income is received as a result of	641
services rendered as such member or employee and is paid from	642
appropriated funds of this state.	643
(B) No municipal corporation other than the municipal	644
corporation of residence and the city of Columbus shall levy a tax	645
on the income of the chief justice or a justice of the supreme	646
court received as a result of services rendered as the chief	647
justice or justice. No municipal corporation other than the	648
municipal corporation of residence shall levy a tax on the income	649
of a judge sitting by assignment of the chief justice or on the	650
income of a district court of appeals judge sitting in multiple	651
locations within the district, received as a result of services	652
rendered as a judge the compensation for personal services of a	653
nonresident individual or on the net profit from a business or	654
profession operated as a sole proprietorship of a nonresident.	655
Sec. 718.14. (A) As used in this section:	656
(1) "Limited liability company" means a limited liability	657

(1) "Limited liability company" means a limited liability
 657
 company formed under Chapter 1705. of the Revised Code or under
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 the laws of another state.
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(2) "Pass-through entity" means a partnership, limited
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 liability company, S corporation, or any other class of entity the
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 income or profits from which are given pass-through treatment
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 under the Internal Revenue Code.
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(3) "Income from a pass-through entity" means partnership
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income of partners, membership interests of members of a limited
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liability company, distributive shares of shareholders of an S
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corporation, or other distributive or proportionate ownership
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shares of income from other pass-through entities.

(4) "Owner" means a partner of a partnership, a member of a 669

limited liability company, a shareholder of an S corporation, or 670 other person with an ownership interest in a pass-through entity. 671

(5) "Owner's proportionate share," with respect to each owner
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of a pass-through entity, means the ratio of (a) the owner's
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income from the pass-through entity that is subject to taxation by
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the municipal corporation, to (b) the total income from that
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entity of all owners whose income from the entity is subject to
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taxation by that municipal corporation.

(B) On and after January 1, 2003, any municipal corporation 678 imposing a tax that applies to income from a pass-through entity 679 shall grant a credit to each owner who is domiciled in the 680 municipal corporation for taxes paid to another municipal 681 corporation by a pass-through entity that does not conduct 682 business in the municipal corporation. The amount of the credit 683 shall equal the lesser of the following amounts, subject to 684 division (C) of this section: 685

(1) The owner's proportionate share of the amount, if any, of
tax paid by the pass-through entity to another municipal
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corporation in this state;
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(2) The owner's proportionate share of the amount of tax that
would be imposed on the pass-through entity by the municipal
corporation in which the taxpayer is domiciled if the pass-through
entity conducted business in the municipal corporation.

(C) If a municipal corporation grants a credit for a
percentage, less than one hundred per cent, of the amount of
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income taxes paid on compensation by an individual who resides or
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is domiciled in the municipal corporation to another municipal
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corporation, the amount of credit otherwise required by division
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(B) of this section shall be multiplied by that percentage.

(D) On and after January 1, 2003, any municipal corporation 699 that imposes a tax on income of or from a pass-through entity 700 shall specify by ordinance or rule whether the tax applies to 701 income of the pass-through entity in the hands of the entity or to 702 income from the pass-through entity in the hands of the owners of 703 the entity. A municipal corporation may specify a different 704 ordinance or rule under this division for each of the classes of 705 pass-through entity enumerated in division (A)(2) of this section. 706

 Section 2. That existing sections 709.023, 718.01, 718.02,
 707

 718.04, and 718.14 and section 718.011 of the Revised Code are
 708

 hereby repealed.
 709

Section 3. The amendment and repeal by this act of sections 710 709.023, 718.01, 718.011, 718.02, 718.04, and 718.14 of the 711 Revised Code shall apply to taxable years beginning on or after 712 the effective date of this act. 713

# Fw: ARTICLE: New nonresident tax rules could cost cities and businesses big

From: "Gregory J Heath" <gheath@napoleonohio.com> To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

05/29/14 11:27 AM

For Council Packets.

-----Original Message-----From: "Michelle Jordan" <datataxgroup@gmail.com> To: undisclosed-recipients: Date: 05/29/2014 09:58 AM Subject: ARTICLE: New nonresident tax rules could cost cities and businesses big

Dear DATA members:

Please see the article below. Thank you to Tina Timberman from the City of Athens for providing this article to us.

Please share with your administration. Thank you!

Michelle

Michelle Jordan DATA Dayton Area Tax Administrators

Tax Manager, Dayton Branch Office Central Collection Agency 371 W Second St, Suite 110 Dayton OH 45402 937.227.1359 Office 216.857.7382 Cell www.ccatax.ci.cleveland.oh.us

# New nonresident tax rules could cost cities and businesses big

By Conor Morris

Language in a tax-reporting requirement - which was passed through the Ohio Senate on May 21 as part of House Bill 483 - could cause big headaches for Athens city government and local business owners alike.

The requirement would force about 592 Ohio city and village governments who levy an income tax within Ohio to record and report the split between revenue generated by resident and nonresident taxpayers.

While the idea may seen like an attempt at transparency, Kent Scarrett, director of communications at the Ohio Municipal League, said that most municipalities in Ohio don't track this information.

Tina Timberman, Athens income tax administrator, said Athens simply doesn't have the money, proper tools or the personnel to comply with the level of documentation required by current language in HB 483's income tax reporting

provision.

"That bill alone would devastate our infrastructure," she said.

Timberman said many employers now aren't required to submit information about nonresident income tax withholding. She said the city government has no way to determine who is and who isn't a resident because they don't separate the information. She said she has no idea of any municipalities that currently do so.

Timberman and Scarrett both said the income tax reporting requirements in HB 483 ultimately will pass costs along to businesses and individuals.

"Everyone is going to have to go to mandatory filing and a mandatory electronic reconciliation," she said. "It's going to cost a lot more man-hours, and cost businesses more money."

Bob Meaker, chief of tax operations at the Regional Income Tax Agency, said, "Columbus would be in a similar position to Athens. It's impossible right now to come up with that information."

Meaker said the new provisions would require one of two changes to municipal income tax reporting on top of changes to local government reporting processes. Either all citizens would be required to file with a municipality regardless of their status as a resident, or businesses would have to "significantly increase their reporting."

Either change would prove challenging, he suggested. Meaker said mandatory filing for all citizens would cause problems as "folks that have not had to register a file each year" would need to be orientated to a system completely alien to them - even if they don't consider themselves an actual resident of the city they're filing for.

Timberman said Athens City Council would have to pass an ordinance in the first place to even require businesses to record the nonresident/resident breakdown. She said those requirements would cost businesses valuable money and time.

Scarrett of the Ohio Municipal League said the provisions added to HB 483 seem like they fundamentally misinterpret how municipal income tax reporting works. Senators who passed the bill apparently failed to research either the municipal or business side of how income tax reporting works.

"The municipal side (local governments) never had an opportunity to weigh in on the provisions. It just kind of appeared in the Senate, so there was no chance to vet it," Meaker said.

The Regional Income Tax Agency, based in Brecksville in Northeast Ohio, covers income-tax collection for around 240 Ohio municipalities. Meaker said members already have mandatory filing, but they would need to update their programming to record the information necessary from nonresidents.

Timberman said the city of Athens also likely would need to update the electronic infrastructure it uses in income tax reporting if the bill gets passed.

"I'm not even sure our software company can even comply," she said.

Scarrett said that as much as 50 to 70 percent of the income tax revenue of municipalities in Ohio comes from nonresidents.

In a May 22 article in *The Columbus Dispatch*, Ohio Senate President Keith Faber said the tax-reporting requirements are meant to keep cities honest.

"They don't want to point out that a disproportionately large percentage of their revenue comes from people who don't get to vote on their tax issues," he said.

A similar bill currently sitting in the Senate Ways and Means Committee - Senate Bill 282 - would restrict cities from levying an income tax on nonresidential workers.

Scarrett noted again that the problem is not the determination of who is a resident and who is not.

He explained that the tax-reporting requirements in HB 483 and SB 282 try to get at "taxation without representation issues"; he acknowledged that people who live outside of a municipality but are still charged income tax for working in the city cannot vote on tax issues that affect them.

"I can't vote on rate increases, and I can't vote on changes in tax policy. Although I'm paying that tax, I have no voice in how it's being collected or anything," Scarrett said.

Ohio Senate Republicans added the income tax reporting requirement along with a host of changes to HB 483 as part of a bienniel review process; the bill next goes to the state House of Representatives.

Scarrett said if the House does not concur on the changes, the bill will be sent to a conference committee to "iron out any differences." The conference committee will be composed of three House members and three Senate members. Scarrett said he expects to see either of those actions within a week.



# Legislative Bulletin

### **Ohio Municipal League Legislative Bulletin**

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### **Committee Schedule**

May 30, 2014

### MUNICIPAL INCOME TAX UNIFORMITY BILL RECEIVES FIRST SENATE HEARING

The Ohio Senate Finance committee held a first hearing this week on sub. HB5. A copy of the sponsor's testimony can be found <u>HERE</u>. The League would like to thank the municipal officials from across the state that joined us at the Statehouse Tuesday to hear the information presented to committee. This sponsor testimony mirrored closely the testimony provided by Reps. Grossman and Henne when they gave sponsor testimony before the House Ways and Means Committee last year. Both sponsors shared with committee members the difficulties businesses have claimed as experiencing when working with communities that have an income tax.

The testimony, which lasted over an hour, included numerous questions from committee members, on both side of the partisan isle, as they grappled with the inconsistent treatments presented in the bill and many of the recommended changes to local tax policy. These changes were portrayed by the sponsors as offering greater uniformity and simplicity to the municipal tax, compared to the current system. Through the questions asked, the bill sponsors general responses focused on the "panacea" their legislation will bring to current and future business activity in Ohio while the greatest emphasis by committee members seemed to focus on the impact many of the treatments being offered for change will have on municipal budgets, already severely challenged by changes in state funding policies. There was also a consistency in some of the committee questions relating to the lack of simplicity that many of the proposals in the substitute version would enact. Committee members asked for greater explanations for the reasoning behind changes to consolidated returns and creation of an alternative apportionment method. The sponsors did their best to provide the Senate members with details sufficient to address their concerns but also alluded to future testimony by proponents of their bill who may be able to provide greater insight.

Chairman Oelslager has scheduled a second hearing for Tuesday, June 3 rd, 2:30pm, again in the Senate Finance Hearing Room. The second hearing is scheduled for *Proponent testimony only*. The Senate will be adjourning for the summer after next week so the next official legislative action after the proceedings on Tuesday, where supporters of the bill will have their opportunity to expand on the virtues of sub.HB5, will not occur until the General Assembly returns to Columbus after the General Elections in November. As we have shared with our members previously, when the legislature returns after the November election, this remaining time until the 130 th General Assembly ends their work on December 31 st is called the "Lame Duck" session. It is shorter and faster than normal legislative proceedings, as the legislature speeds things up to finish the work at hand before any bills not resolved would be required to be reintroduced in the 131 st GA, the

following year.

We encourage any municipal official who is concerned with the effects many of the proposed changes will have on their ability to generate revenue at their current levels, to join us at the Statehouse Tuesday. The hearing Tuesday for proponents of the bill will be a great opportunity to hear firsthand from businesses negatively impacted by current municipal income tax practices and the solutions they support to address their concerns.

### RESIDENT/NONRESIDENT DATA COLLECTION MANDATE; CONFERENCE COMMITTEE MEMBERS ANNOUNCED FOR HB483/MBR

As we had anticipated, the Ohio House of Representatives received back from the Ohio Senate the amended version of the general government operations MBR bill, Am.Sub. HB483, and they found enough objections with the changes made to decline to concur on the newest version and voted to send the bill to a conference committee, where legislators from both Chambers can work to resolve the differences in policy. The members as announced are: Reps. Ron Amstutz (R-Wooster), Lynn Wachtmann (R-Napoleon) and Denise Driehaus (D-Cincinnati), and Sens. Scott Oelslager (R-Canton), Bill Coley (R-West Chester) and Mike Skindell (D-Lakewood). The meeting time or date for the conference committee has not been announced yet but we will alert our members when that information becomes available.

The league has been in contact with legislators throughout the week about the concerns we have to language that was amended to am. sub. HB483/ general government operations MBR bill that will require municipalities to separate revenue received through municipal tax withholdings by resident versus nonresident and to report those statistics annually to the state tax commissioner. We are working with several legislative leaders to craft alternative language that tries to address all parties concerns.

### BILL PROHIBITING RED LIGHT CAMERA USE RECEIVES SECOND SENATE HEARING WITH AMENDEMNTS

On Wednesday, the Senate State Government Oversight & Reform committee held a second hearing on SB 342, Sen. Bill Seitz's (R-Cincinnati) bill recently introduced which will establish conditions for the use by local authorities of traffic law photo-monitoring devices to detect certain traffic law violations. In general, the major component of the legislation would authorizes municipalities to use the cameras as long as police officers are present to issue citations. The hearing was for all interested parties to testify and the bill was also scheduled for a possible vote by the full committee. Instead of the committee considering the bill for passage, Chairman Burke did accept an omnibus amendment from Sen. Seitz that will provide for appeals through county courts; allow for tickets to be paid without admitting guilt; provides for assertions of testimonial privilege; limits the costs of the civil penalties and clarifies that officers are required to be present at the intersections where cameras are located with "legitimate" police or sheriff personnel. Even with the amendments OML still opposes the proposed legislation.

Although the hearing was for all parties to testify, the witnesses that presented testimony to the committee members were all opponents of the bill and the veiled attempt to prohibit municipalities from using the best and most efficient traffic safety technology available. We want to thank the municipal officials and private citizens from across the state who sacrificed their time and resources to present their opposition testimony to this important bill. As a side note, no committee hearing for the Senate Government Oversight and Reform committee has been scheduled yet. We will let all know if a hearing on SB 342 will take place.

Below is a list of committee hearings scheduled for next week. If there are any changes, we will be sure to alert our members.



May 30, 2014

# PJM posts results for 2017-2018 Base Residual Capacity Auction

By Brandon Poddany – power supply planning engineer

PJM posted the results of the 2017-2018 Base Residual Auction (BRA) on Friday, May 23, 2014. The auction cleared with three distinct pricing regions (PJM RTO, PSEG LDA, and PPL LDA). This auction was the first to reflect recent changes including limits on imports from resources outside the PJM footprint and a cap on the quantity of the Limited Demand Response product.

The PJM RTO clearing price was \$3.65/kW-mo (\$120.00/MW-day) for Generation and Annual and Extended Summer Demand Response, while Limited Demand Response cleared at \$3.22/kW-mo (\$106.02/MW-day). The PJM RTO price region includes AEP, FirstEnergy, Dayton, Met-Ed, Penelec and Duke. The PP&L region cleared at the same price of \$3.65/ kW-mo (\$120.00/MW-day) for Generation and Annual DR, however, Extended Summer DR cleared at a lower rate of \$1.64/kW-mo (\$53.98/ MW-day) and Limited DR cleared at \$1.22/kW-mo (\$40/MW-day). Generation in the PSEG LDA in New Jersey cleared at \$6.54/kW-mo (\$215/MW-day). Generation imports into PJM also cleared at the same price as the PJM RTO. The FirstEnergy area had seen capacity prices that were higher than the PJM RTO in 2015-2016 and 2016-2017, but prices were equal to the RTO price in this recent auction. The table below shows a comparison of the 2017-2018 BRA to other recent BRAs.

Product PJM RTO	2014-2015 BRA	2015-2016 BRA	2016-2017 BRA	2017-2018 BRA
Annual Resource	\$3.83	\$4.14	\$1.81	\$3.65
Extended Summer	\$3.83	\$4.14	\$1.81	\$3.65
Limited Resource	\$3.82	\$3.61	\$1.81	\$3.22

PJM RTO 2014-2015 through 2017-2018 BRA clearing prices (\$/kW-mo)

## Court ruling creates uncertainty for demand response

By Lisa McAlister – deputy general counsel FERC/RTO affairs

On Friday, May 23, 2014, the District of Columbia Circuit Court of Appeals struck down Federal Energy Regulatory Commission (FERC) Order 745, in which FERC asserted that certain types of demand response (DR) are wholesale and, thus, FERC jurisdictional, and that demand-side resources participating in the day-ahead and real-time energy markets should be compensated at the full Locational Marginal Price (LMP), making them essentially equivalent to generation resources.

# Fitch affirms 'A' rating for AFEC revenue bonds

By Bob Trippe – senior vice president of finance/CFO

Fitch Ratings has affirmed the 'A' rating on the American Municipal Power, Inc. AMP Fremont Energy Center (AFEC) project revenue bonds, with a stable outlook.

In its press release, Fitch pointed out several factors driving its affirmation. The first factor Fitch spoke of was the project's competitively priced energy. Operating performance has been strong, providing competitively priced energy (\$51.43/MWh in 2013). Second, the entire output from the plant is contracted. AMP's entire share of the output is purchased pursuant to a take-or-pay power sales contract with 87 participants who have municipally owned electric systems and the Delaware Municipal Electric Corporation, which obligates the participants to pay for their respective shares of all project costs. Fitch also pointed out another favorable aspect contained within the power sales contract, a step-up provision, where the participants (in the event of another participant default) would be required to purchase up to 125 percent of their original project allocation.

Another factor is the favorable fuel arrangements for the plant. "Procurement, purchasing and hedging activities are managed by The Energy Authority, an experienced service provider," Fitch stated in the release. Fitch also related the positive effect of the project's proximity to numerous interstate pipeline systems, which provides access to ample capacity and gas supplies.

AMP has been working with Fitch for the past three weeks to provide financial and economic data on the project participants in support of its review. The financial soundness and creditwor-

# Ohio legislature adopts energy bill with Greenup included

By Michael Beirne - assistant vice president of government affairs & publications

The Ohio General Assembly adopted legislation to modify the state's renewable energy and energy efficiency mandates earlier this week. The bill – Senate Bill 310 (SB 310) – now awaits Gov. John Kasich's signature before becoming law. He is expected to sign the measure. The issue has been contentiously debated for more than a year and a half.

Among other things, SB 310 imposes a two-year freeze (at 2014 levels) on annual renewable and energy efficiency increases applicable to Ohio's investor-owned utilities, creates the Energy Mandates Study Committee to review possible future changes to the law, and eliminates the in-state requirement that half of renewables need to come from resources located in Ohio.

In general, the bill was supported by investor-owned utilities and certain large energy users and was opposed by environmental advocates, consumer groups and certain manufacturer organizations. The provisions of the freeze have no direct impact on municipalities or AMP as they are not subject to these standards. AMP and OMEA did not take a position on the bill.

However, we are pleased to report that the Greenup hydroelectric generating facility has been included by definition as a renewable energy resource and is now eligible to generate Renewable Energy Certificates (RECs). AMP's other hydro projects, including Belleville and the four Ohio River projects currently under development, already qualify for RECs under current law.

Upon commercial operation of the Meldahl project, AMP will obtain 48.6 percent share of the existing Greenup hydro project, currently owned by the City of Hamilton. The 70.2-MW Greenup plant is located on the Ohio River at the Greenup Locks & Dam near Portsmouth, Ohio

We'd like to give special thanks to those who contacted their lawmakers in support of including Greenup as an amendment – it was unanimously adopted during the House committee process. Also, special appreciation to Hamilton officials who worked with their state lawmakers to carry the amendment.

AMP/OMEA will distribute more information once the bill is signed into law. If you have any questions or need additional information, please contact me at 614.540.0835 or mbeirne@amppartners.org.

# Fitch affirms 'A' rating

continued from Page 1

thiness of project participants also supported Fitch's affirmation. Fitch pointed out the satisfactory credit characteristics and utility fundamentals of the six largest participants.

If you have any questions or would like more information and/or a copy of the Fitch press release, please contact Chris Deeter at 614.540.0848 or <u>cdeeter@amppartners.org</u>.

### On Peak (16 hour) prices into AEP/Dayton Hub

Week end	ing May 30			
MON \$48.30	TUE \$55.40	WED \$51.82	THU \$41.80	FRI \$45.76
Week end	ing May 23			
MON \$43.25	TUE \$47.00	WED \$54.00	THU \$60.25	FRI \$48.00
AEP/Dayton 2015 5x16 price as of May 30 — \$48.80				

AEP/Dayton 2015 5x16 price as of May 23 — \$47.61

## Markets finish week higher

By Craig Kleinhenz - manager of power supply planning

The amount of natural gas that was reported to be injected into storage this week was slightly higher than expected, but the market seemed to shrug this news off. The real concern is about the year-over-year storage deficit that continues to force energy prices higher. Currently, storage levels are 35 percent lower than this time last year and 40 percent lower than the five-year average.

June natural gas prices ended the week \$0.27/MMBtu high than last week to finish trading Wednesday at \$4.62/MMBtu. July natural gas ended the week \$0.19 higher than last week ending the week at \$4.56/MMBtu. 2015 on-peak electric prices rose \$1.19/MWh for last week with AD Hub closing at \$48.80/MWh. 2015 electric prices have increased 24 percent (\$9.52/MWh) since the start of the year.

# Belleville staff helps victims of disabled craft to safety

By Mike Perry - senior vice president of generation operations

AMP's crew at the Belleville Hydroelectric Facility helped rescue the victims of a disabled pleasure craft in the early morning hours on May 24.

Matt Steele, the Belleville plant operator on duty at the time, received a call from the U.S. Army Corps of Engineers (USACE) at about 1:35 a.m. concerning the craft, which was adrift with no power and swiftly moving towards the dam.

The corps was operating at 50 feet of gate (150,000 cubic feet per second) and hydro at (25,785). The USACE did not indicate whether Belleville should shut down the units when it called regarding the disabled pleasure craft.

Steele and Anthony Belcher, Belleville operation and maintenance supervisor, determined it would be best to remain online and try to draw the craft towards the intake – the safest place – as shutting down would have exacerbated the problem. Steele worked with the corps' head lock man to help relay information as to which gate the craft was drifting towards. They were able to guide the disabled craft into gate 7 and onto a sizeable island of drift to prevent it from going through the dam. A rescue boat was able to retrieve both victims and the craft.

Please join me in thanking Matt and Tony for their quick response and alert actions in helping get the victims to safety.

#### FERC continued from Page 1

The Court rejected FERC's argument that "when retail consumers voluntarily participate in the wholesale market, they fall within the Commission's exclusive jurisdiction to make rules for that market." Rather, the Court held that "[d]emand response – simply put – is part of the retail market. It involves retail customers, their decision whether to purchase at retail, and the levels of retail electricity consumption. If FERC had directed ISOs to give a credit to any consumer who reduced its expected use of retail electricity, FERC would be directly regulating the retail rate. The Court concluded that because "FERC's rule entails direct regulation of the retail market – a matter exclusively within state control – it exceeds the Commission's authority."

The Court took its ruling one step further than simply holding that DR is beyond FERC's jurisdiction. The Court also concluded that even if DR was within FERC's jurisdiction, Order 745 would still fail because FERC failed to adequately explain the compensation results in reasonable rates.

The Court's Order included other particularly scathing language. For example, the Court noted that FERC's "authority must be cabined by something sturdier than creative characterizations" and that FERC "cannot simply talk around the arguments raised before it; reasoned decision-making requires more: a 'direct response,' which FERC failed to provide here."

In striking down Order 745, the Court has created significant uncertainty that goes beyond demand response compensation. First, although the Court's finding regarding compensation for DR was limited to DR participating in the energy market, its holding that FERC lacks jurisdiction over DR was much broader. Accordingly, it is not clear at this point how the Court's Order will impact regional capacity markets. This is particularly troubling given that the PJM capacity markets are three years forward and significant DR has already been committed for future periods. The Court's Order also set up the possibility that FERC may be required to order refunds for compensation already received.

Additionally, DR participated in the most recent base residual capacity auction held earlier this month for the 2017-2018 delivery year and, thus, impacted the capacity clearing prices. As a result of the uncertainty of the full impact of the Order, FirstEnergy filed a complaint against PJM on Friday, May 23, the same day the capacity auction results were due to become public, requesting that FERC declare the capacity auction results void and legally invalid. FirstEnergy argued that the inclusion of DR in the auction parameters was unlawful and those parameters are void ab initio based on the Order. FirstEnergy also requested that FERC issue an order requiring the removal of all portions of the PJM Tariff allowing or requiring PJM to include DR as suppliers to PJM's capacity markets, with a refund effective date of May 23, 2014.

### **AFEC weekly update**

By Craig Kleinhenz

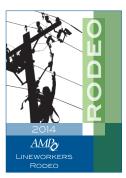
The plant returned from its planned spring maintenance outage Sunday afternoon. The plant then spent the next several days tuning systems. This resulted in the plant operating at around 170 MW during the offpeak hours and 250 MW during the on-peak hours for Monday through Wednesday.

After being dispatched offline Wednesday night, the plant came online Thursday afternoon and stayed at the 250 MW level due to some maintenance issues. The load factor for the week was 17 percent (based on a plant rating of 675 MW).

# AMP seeks judges, vendors for first annual Lineworkers Rodeo

By Jennifer Flockerzie – technical services program coordinator

AMP welcomes and encourages qualified individuals to volunteer to serve as a judge for the first annual AMP Lineworkers Rodeo. The event will be held on Aug. 23 at AMP headquarters, with training sessions offered in the morning on Aug. 22.



AMP is also seeking sponsors and vendors who will have the

opportunity to show their support for the electric utility industry, and demonstrate products and services to AMP's member electric personnel.

The registration deadline for volunteers, sponsors and vendors is July 1.

There are several sponsorship opportunity levels available – Municipal Electric Partners (MEPs) will receive a discounted rate.

- **Platinum** Includes space at the Rodeo Competition Vendor Expo, banquet tickets for four people, recognition at the banquet, name on sleeve of Rodeo T-shirt, and two official Rodeo T-shirts.
- **Gold** Includes space at the Rodeo Competition Vendor Expo, banquet tickets for two people, recognition at the banquet, and one official Rodeo T-shirt.
- **Silver** Includes space at the Rodeo Competition Vendor Expo, and recognition at the banquet.
- **Bronze** Includes recognition at the banquet.

There are also eight available opportunities to sponsor a Rodeo event (on a first-come, first-served basis).

The anticipated time for exhibitor set-up is noon to 3 p.m. Aug. 22 and 7 to 8 a.m. Aug. 23.

Registration forms (contestant, volunteer, sponsor/vendor, and banquet) are available on the AMP website at http://amppartners.org/amp-lineworkers-rodeo/.

Please contact me at <u>rodeo@amppartners.org</u> or 614.540.0853 for more information.

see FERC Page 5

# Tipp City has 1,000-year flood, Piqua answers call for Mutual Aid

By Michelle Palmer – assistant vice president of technical services

Severe weather in Tipp City last week caused major flooding throughout the area, leaving about 5 feet of standing water in the electric utility building (former power plant). The flooding caused damage to the substation, but initial testing of power transformers looks promising.

Piqua responded with Mutual Aid efforts to help restore power to residents and businesses affected by the flooding.

The Ohio EPA is estimating that the event was a 1,000year flood. According to Tipp City Utility Director Christy Butera, the fire department pumped about 120,000 gallons of water from the basement of the electric shop after the initial flood waters receded. Tipp City Municipal Utilities lost significant equipment and office furnishings, including eight reclosers, a chipper, flatbed truck, service truck, pick-up truck and 1 ton truck with a dump bed.

AMP's Mutual Aid program is a network of municipal systems that stands ready to provide assistance to fellow systems when local utility emergencies occur that are too widespread to be handled by one system alone. Please contact me with questions regarding Mutual Aid or if you are a member that has not yet completed a Mutual Aid agreement at <u>mpalmer@amppartners.org</u> or 614.540.0924.



A sinkhole was created by the amount and speed of water during flash flooding.



A Tipp City substation and utility trucks are submerged with several feet of water caused by the flooding from severe weather last week.

# AMP names 2014 recipients of Wright, Gorsuch scholarships

By Karen Ritchey – manager of communication programs

The 2014 recipients of the AMP Richard H. Gorsuch and Lyle B. Wright scholarships were announced during the May Board of Trustees Meeting last week.

There were 57 students nominated by member communities this year, and four recipients were determined for both the Gorsuch and Wright scholarships. Each recipient will receive a \$2,000 check.

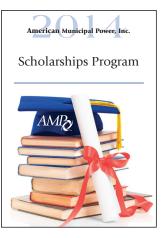
### 2014 Wright Scholarship recipients

- Ann Graff Cuyahoga Falls
- Joel Zook Orrville
- Julia Herendeen Painesville
- Evan Elliott St. Clairsville

#### 2014 Gorsuch Scholarship recipients

- Jennifer Dougherty Cuyahoga Falls
   Daughter of Michael Dougherty, Superintendent
- Jessica Dupee Oberlin Daughter of Steve Dupee, Electric Director
- Brandon Haeseler Schuylkill Haven Son of James Haeseler, Electric Supervisor
- Cameron Brown Tipp City Son of Stacie Brown, Utility Billing Supervisor

AMP staff will travel to member communities throughout the summer to present the scholarship checks to recipients during council meetings. The winners were determined by their personal achievement in school and community activities, knowledge of public power based on a test, and scholastic record.



Since the program began in 1988, AMP has awarded \$240,000 in scholarships to graduating high school seniors.

For more information on AMP's scholarships, please contact me at <u>kritchey@amppartners.org</u> or 614.540.0933, or visit the scholarship section of the <u>AMP website</u> under the "For Consumers" tab. Please join me in congratulating this year's scholarship recipients.

www.amppartners.org

#### FERC continued from Page 3

An additional uncertainty created by the Order is the effect on the EPA carbon emission rules expected in early June. Specifically, the EPA is expected to issue rules under Clean Air section 111(d) addressing carbon emission regulations from existing power plants. Energy efficiency and demand response advocates have argued that as a compliance strategy to meet EPA regulations, states should be allowed to count demand reductions. It is not clear how the EPA rules will address inclusion of DR now.

The Order created uncertainty regarding pending proposals affecting the currently existing PJM DR programs. For example, AMP has raised a concern with a recent FERC decision that threatened the current "emergency" status of AMP's reciprocating internal combustion engine (RICE) units. (See May 16, 2014 *Update* article for full details). Specifically, FERC accepted a PJM proposal to create a new "pre-emergency" period prior to a full NERC EEA2 Emergency during which PJM can call on all demand response resources except those EPA-limited behind-the-meter generators. However, FERC rejected PJM's proposed exception to the "preemergency" dispatch requirement for RICE units.

While PJM will still have to make a required compliance filing in response to FERC's decision, the Court's Order has created uncertainty regarding what FERC can or will do at this point on PJM's preemergency proposal if they don't have jurisdiction over DR programs. In spite of the uncertainty created by the Court's Order about the DR programs in their entirety, it is still important for FERC to understand the legitimate limitations imposed on RICE units by the EPA rules. Accordingly, AMP will continue to raise this issue and support any PJM compliance filing that seeks to justify the "pre-emergency" exemption.

Finally, unlike much of the DR committed in PJM's current programs, AMP's DR resources are wholesale in nature. However, the Court seems to have presumed that DR resources are largely or entirely limited to retail customers reducing load rather than wholesale behind the meter generation resources running during emergencies. Thus, there is uncertainty about the impact to AMP-specific units, too.

Because the Court said the Order would not take effect until after the disposition of any petition for rehearing or petition for en banc hearing, PJM has stated several times that it would continue to abide by the terms of its tariff related to DR. In other words, PJM will continue to operate business as usual until the next steps are clear.

Given the very broad implications of the Court's Order, the current disarray regarding the status of the existing DR programs, the effect on capacity auctions and energy markets, and the uncertainty of the impact on AMP and AMP member DR resources, we are following this matter closely and will provide frequent updates as this matter progresses.

In the meantime, if you have questions regarding this matter, please contact me at <u>lmcalister@amppartners.org</u> or Chris Norton at <u>cnorton@amppartners.org</u>.

# Efficiency Smart pilots Super Energy Heroes Summer Camp; receives OEPA grant

By Steven Nyeste - communications and public affairs specialist, Efficiency Smart

This summer, Efficiency Smart is piloting four free



summer camps for students entering fourth through six grades in Efficiency Smart participating communities. The week-long summer day camps are designed to help students develop an understanding of energy, its impact on our lives and the environment, and how to use energy wisely – all while having tremendous amounts of fun.

The Super Energy Heroes Summer Camp will introduce energy concepts and conservation strategies aligned with the National Science Education Standards and the Ohio Department of Education Science Standards. Through exploratory, hands-on science projects and activities, campers will learn about the environmental and economic impacts of energy.

The summer camps are being offered at no cost due to a grant Efficiency Smart received from the Ohio Environmental Protection Agency (OEPA)'s Ohio Environmental Education Fund. Efficiency Smart submitted a grant proposal and was selected to present in front of the OEPA Education Committee on April 30, where the committee voted to award the maximum \$50,000 to fund the camps. Of the 18 organizations that applied for the grant, 13 received funds and only one other organization was recommended for the maximum award.

If the pilot is successful, the summer camps may expand to additional locations in the future. For more information about the Super Energy Heroes Summer Camp, visit <u>efficiencysmart.org</u>. For more information about Efficiency Smart, please contact Randy Corbin at AMP at 614.540.1111 or <u>rcorbin@amppartners.org</u>.

# Calendar

June 2-6—Lineworker Training Basic 1 AMP Headquarters, Columbus

June 5—AMP Finance & Accounting Subcommittee Meeting Salem, Virginia

June 13-18—APPA National Conference *Denver, Colorado* 

June 16-20—Lineworker Training Intermediate AMP Headquarters, Columbus

June 30-July 2—Hotline Training *AMP Headquarters, Columbus* 

July 24—AMP Finance & Accounting Subcommittee Meeting AMP Headquarters, Columbus

Aug. 6—Sustainability Subcommittee Webinar 2 p.m. Email jblankenship@amppartners.org for log-in information

# **Update Classifieds**

# Shelby has opening for waste water treatment plant operator

The City of Shelby, Ohio, has an opening for an Ohio Certified EPA Waste Water Treatment Plant Operator. The hourly position is responsible for all operations at the activated sludge Waste Water Treatment facility.

Responsibilities include but are not limited to: maintains plant equipment and grounds, operates equipment, collects samples, performs lab tests, makes operational rounds throughout the plant, prepares and maintains reports.

This position is for a second shift operator with the possibility of covering third shift. This position requires one mandatory weekend per month.

Requirements for the position are: high school diploma or General Education Degree (GED); a valid Ohio Driver's License, and a minimum of an Ohio Environmental Protection Agency (OEPA) Waste Water Treatment Class I License.

Applications may be obtained at Shelby City Hall, 43 W. Main St., Shelby, Ohio 44875. Please call Waste Water Treatment Plant Superintendent Charlton Brown at 419.347.7453 with questions.

# Coldwater sells load tap changer

The City of Coldwater is selling a load tap changer. Details are listed below. For more information please contact Charles Bauschard at 517.279.6907 or cbauschard@



<u>coldwater.org</u>. Visit the Member Extranet section of AMP's website for more information.

- Manufacturer: Westinghouse
- Manufacturer Date: 1981
- Model: Oil-immersed UTT-B
- Oil Quantity: 360 gallons/1400 lbs
- Number of Positions: 33 (16L-N-16R)
- Operating Pressure: <0.5 psi and >5 psi
- Counter: LTC 1: 198,191 changes; LTC 2: 193,835 changes

# **Oberlin seeks lineworker**

The Oberlin Municipal Light and Power System (OMLPS) is accepting applications for the position of fulltime journeyman lineworker in the Electric Distribution Division.

Journeyman lineworker is responsible for the operation, maintenance and routine construction of the city's municipal electric distribution system. Construct, maintain and repair energized primary and secondary distribution facilities. Operate aerial lift trucks, heavy equipment and distribution test equipment. Participate in emergency standby rotation.

Minimum qualifications are high school diploma or equivalent, valid Ohio driver's license, Class "A" commercial driver's license, journeyman lineworker certification, and successful completion of lineworker apprenticeship program with four years of experience as an apprentice lineworker.

Hourly salary range is \$23.36 - \$29.20/hour D.O.Q. Applications are available at <u>www.cityofoberlin.com</u> and at Oberlin City Hall, 85 S. Main St., Oberlin, Ohio 44074.

Applications should be returned to <u>hr@cityofoberlin.com</u> or mailed to: City of Oberlin Human Resources Department, Oberlin City Hall, 85 S. Main St., Oberlin, Ohio 44074. Closing date is June 2, 2014 at 4:30 p.m.

# Village of Clinton accepts applications for lineworker

The Village of Clinton has an immediate opening for a lineworker in its Electrical Department. A journeyman lineman is the preferred level of knowledge, skill, and ability; however, the village will consider those with some level of training and/or experience in the electrical field. Duties include being responsible for the operation, maintenance and construction of the village's municipal electric distribution system.

Must have a high school diploma or GED; have or can obtain a CDL driver's license; mechanical knowledge and experience operating equipment such as an aerial bucket truck, digger derrick truck, backhoe and power tools preferred. The successful candidate, if less experienced, must promptly complete the lineworker apprenticeship program and become a journeyman lineworker.

Clinton offers an attractive wage and benefit package. Salary is commensurate with experience.

Applications are available at the Village of Clinton website <u>www.villageofclinton.org</u>. Please submit a completed job application and resume by June 17, 2014 to Village of Clinton, 119 E. Michigan Ave., Clinton, Michigan 49236.

# Danville is looking for electric substation superintendent

The Utilities Department is seeking an experienced candidate to perform administrative and expert technical support for the Substation and Meter Department as well as coordinating the dispatch/control of power supply. Electric substation superintendent will be responsible for preparing the budget and monitoring expenditures, programming; testing and calibrating all meters; handle customer complaints; providing technical support for meter technicians; supervise meter technicians, substation technicians and systems operators.

Qualified candidates will have the ability to read, understand, and interpret financial reports and/or legal documents; the ability to supervise, train, motivate, and discipline authorized personnel. Must have broad knowledge in a general professional or technical field or a bachelor's degree in related field. Possession of valid drivers license required; Starting salary range: \$56,993 -\$68,391/Annual. Position open until filled Apply online: www.danville-va.gov Equal Opportunity Employer.

www.amppartners.org