Memorandum

To: Mayor & Members of Council **From:** Monica Irelan, City Manager

Subject: General Information

Date: May 15, 2015

CALENDAR

AGENDA: City Council - Monday, May 18 @7:00 pm

C. APPROVAL OF MINUTES – meeting minutes attached for: May 4, 2015 Regular Council Meeting

G. Introduction of New Ordinances And Resolutions

- 1. ORDINANCE No. 029-15 an Ordinance Amending Various Sections of the Council Rules for the City of Napoleon, Ohio
- **2. ORDINANCE No. 030-15** an Ordinance Amending Section 12.3 of the City of Napoleon Employment Policy Manual to include the Federal Mileage Rate
- **3. RESOLUTION NO. 031-15** a Resolution of Necessity regarding Roundhouse Road; and Declaring an Emergency. (Suspension Requested) it is highly unlikely this will be ready for Monday's meeting; should it be ready, the Resolution will be passed out at the meeting.

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **RESOLUTION No. 026-15** a Resolution Adopting the 2016 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.

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 024-15** an Ordinance to Approve Current March 2015 Replacement Pages to the Napoleon Codified Ordinances.

J. GOOD OF THE CITY (Discussion/Action)

- 1. Recommendation to Approve May Power Supply Cost Adjustment Factor.
- 2. Approval of Donation from Penney Rowley to the Parks Department for the Purpose of a Park Bench.

INFORMATIONAL ITEMS

- 1. **AGENDA -** Personnel Committee; Monday, May 18th @6:00 pm
- 2. **AGENDA** *Tree Commission;* Monday, May 18th @6:00 pm
- 3. CANCELLATION Parks & Recreation Committee Meeting
- 4. AMP Update/May 8, 2015
- 5. AMP Update/May 15, 2015

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City of Napoleon, Ohio

City Council

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

Meeting Agenda

Monday, May 18, 2015 at 7:00pm

- **A.** Attendance (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- **C. Approval of Minutes:** May 4 (In the absence of any objections or corrections, the minutes shall stand approved.)
- **D.** Citizen Communication
- E. Reports from Council Committees
 - 1. Parks & Recreation Committee did not meet tonight due to lack of agenda items.
 - **2. Electric Committee** (Majority Report) met on Monday, May 11 and recommended:
 - **a.** Approval of May Power Supply Cost Adjustment Factor
 - 3. Water, Sewer, Refuse, Recycling & Litter Committee (Majority Report) met in joint session with Council on Monday May 11 and:
 - a. Reviewed City Water Rate Structure and Allocations
 - **b.** Tabled Review of City Water and Sewer Rules
 - **4. Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on Monday, May 11 at the direction of the Chair.
- F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - **1. Board of Public Affairs** met on Monday, May 11 with the following agenda items:
 - a. Review of Power Supply Cost Adjustment Factor
 - **b.** Electric Department Report
 - 2. Board of Zoning Appeals did not meet on Tuesday, May 12 due to lack of agenda items.
 - **3. Planning Commission** did not meet on Tuesday, May 12 due to lack of agenda items.
 - **4. Tree Commission** met tonight with the following agenda items:
 - a. Spring Programs
 - **b.** Fall Programs
- G. Introduction of New Ordinances and Resolutions
 - **1. Ordinance No. 029-15,** an Ordinance amending various sections of the Council Rules for the City of Napoleon, Ohio
 - **2. Ordinance No. 030-15,** an Ordinance amending Section 12.3 of the City of Napoleon Employment Policy Manual to include the Federal Mileage Rate
 - **3. Resolution No. 031-15,** a Resolution of necessity regarding Roundhouse Road; and declaring an Emergency (Suspension Requested)
- H. Second Readings of Ordinances and Resolutions
 - **1. Resolution No. 026-15,** a Resolution adopting the 2016 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
- I. Third Readings of Ordinances and Resolutions
 - 1. Ordinance No. 024-15, an Ordinance to approve current March 2015 Replacement Pages to the Napoleon Codified Ordinances
- J. Good of the City Any other business as may properly come before Council, including but not limited to:
 - **1. Discussion/Action:** Recommendation to approve May Power Supply Cost Adjustment Factor as follows: PSCAF three (3) month averaged factor: -\$0.00148

JV2: \$0.053406 JV5: \$0.053406

- **2. Discussion/Action:** Approval of donation from Penney Rowley to the Parks Department for the purpose of a park bench: \$648.00
- 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

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, June 1 @ 6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, June 8 @ 6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor
- **b.** Electric Department Report

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, June 8 @ 7:00 pm)

- a. Review of City Water Structure and Allocations
- a. Review of City Water and Sewer Rules (Tabled)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, June 8 @ 7:30 pm)

- **a.** Assessment Review (Tabled)
- **b.** Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, June 15 @, 6:15 pm)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Tuesday, May 26 @ 6:30 pm)

7. Safety & Human Resources Committee (4th Monday)

(Next Meeting: Tuesday, May 26 @ 7:30 pm)

2015 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 (2nd Monday)

(Next Regular Meeting: Monday, June 8 @ 6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor
- **b.** Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, June 9 @ 4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, June 9 @ 5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, June 15 @, 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, May 26 @ 4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, May 27 @, 6:30 pm)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, November 10 @ 10:30 am)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 8 @, 4:00 pm)

- **9. Housing Council** (1st 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 Council

Meeting Minutes

Monday, May 4, 2015 at 7:00pm

PRESENT

Council

Recorder

City Staff

Travis Sheaffer – President, Jason Maassel – President Pro Tem, Jeff Comadoll, John Helberg, Jeffrey Marihugh, Christopher Ridley, Heather Wilson

Mayor
City Manager
Law Director
Finance Director/Clerk
of Council

Ronald A. Behm Monica S. Irelan Trevor M. Hayberger Gregory J. Heath

Tammy Fein

Dennis Clapp, Electric Department Superintendent

Tony Cotter, Parks & Recreation Director Chad Lulfs, Director of Public Works

Jeff Nicely, Police Officer Clayton O'Brien, Fire Chief

Jeff Rathge, Operations Superintendent Dan Wachtman, MIS Administrator Todd Wachtman, Substation Specialist

Robert Weitzel, Police Chief

News Media; Dustin Gamble and Curt Thomas, on behalf of Euclid Avenue residents

Others

ABSENT Council City Staff

Call To Order

Approval Of Minutes

Citizen Communication

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

Minutes of the April 20 Regular and April 27 Special Council meetings stand approved with no objections or corrections.

Dustin Gamble spoke on behalf of the Euclid Avenue residents that were present, including: Leslie Gamble, Orville and Jackie Weirauch, Dave Conrad, Dave Carrell, and Curt Thomas. Gamble showed Council photos of the creek behind the Euclid Avenue properties, stating that when the new sewer lines were installed, the City Engineer told residents that there would be erosion control on the creek and the ground would be in better condition; the residents believe that the land is in worse condition with sinkholes and mosquitos, along with problems with creek damming up. Gamble stated that he and his neighbors have lost three (3) to five (5) feet of land from their backvards due to the erosion, and they believe that they are paying property taxes on land that cannot be used due to the erosion. Gamble stated that a majority of his neighbors are elderly and he has helped them clean the dammed up areas, costing Gamble approximately seven hundred dollars (\$700) to maintain the land. Gamble stated that he asked Lulfs if the City could donate drainage tiles to help with the issue, and Lulfs advised him to bring the issue before Council. Gamble stated the he would be willing to put boulders on the side of the creek if allowed to save labor costs on the City to get this fixed. Irelan replied that the reason that the boulders were refused was due to potential liability; Irelan added that the County receives tax dollars for a Stabilization Fund however the City

does not; Irelan added that if these properties are maintained by the City, Irelan does not want the City to be liable for all properties that are eroding. Irelan stated that there are concrete blocks at the Yard Waste Site, however she would be concerned about allowing a resident to do the labor due to the potential liability. Irelan will research the options and bring back a recommendation. Gamble stated there are parts that have fifteen (15) foot gaps which he believes to be a safety issue; Gamble stated that he is willing to do the preventative maintenance to keep the area safe. Lulfs stated that the funds regarding the County Stabilization Fund are only collected by properties that are abutting a creek, and Lulfs does not know if the funds would be available for use on this project. Helberg suggested petitioning the County for the use of funds to do this project; Irelan restated that she will research all the options and bring back a recommendation. Gamble stated that he has property on the other side of the creek as well, and would like to maintain that property also. Behm added that he is familiar with these properties and believes the property owner has some responsibility in cleaning the area. Marihugh agreed, adding that this erosion is caused by nature and the flooding will always come up as high as the river due to the arch and elevation. Marihugh added that if there is a mosquito problem, it is not due to the water because the water is moving per the picture, adding that VectoLex can be used to handle the mosquitos. Wilson thanked Gamble for bringing forward his valid concerns, adding that this issue will be researched and a recommendation will be made. Carl Thomas asked the size of the concrete chunks at the Yard Waste Site that could be used; he believes that the use of flat concrete would make the area more dangerous. Maassel replied that this will be researched and handled.

Committee Reports

Chairperson Marihugh reported that the Technology & Communication Committee met tonight and discussed:

1. Update on the City Website

The Finance & Budget Committee did not meet on Monday, April 27 due to lack of agenda items.

The Safety and Human Resources Committee did not meet on Monday, April 27 due to lack of agenda items.

Introduction Of Resolution No. 026-15

President Sheaffer read by title Resolution No. 026-15, a Resolution adopting the 2016 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 First Read

Motion: Marihugh Second: Comadoll To approve First Read of Resolution No. 026-15

Discussion

Heath reported that this is the Tax Budget that represents the Inside Ten (10) Mill limit certification.

Passed Yea- 7 Nav- 0 Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nav-

Introduction Of Resolution No. 027-15

President Sheaffer read by title Resolution No. 027-15, a Resolution authorizing the expenditure of funds over twenty five thousand dollars (\$25,000.00) for the engineering services and construction activities to replace

four (4) transmission structures and authorizing the City Manager to execute any and all documents necessary to enter into an Agreement with First Energy Service Company for said activities; and declaring an Emergency

Motion To Approve First Read

Motion: Ridley Second: Marihugh To approve First Read of Resolution No. 027-15

Discussion

Irelan stated that the Electric Department has been working hard to replace the 69kV transmission lines and has discovered that the underground line at Industrial Drive is beyond repair, adding that it would save the City money to move the line from underground to above ground when it is replaced. Irelan and Clapp met with First Energy to discuss putting in new transmission poles and moving the First Energy lines higher to put the City lines underneath; the negotiated cost for this project is \$148,400. Irelan explained that this project must be sole sourced due to First Energy owning the poles with no one else authorized to put in the new poles. Wilson asked how this project would be funded; Irelan stated that although this project was not budgeted, Irelan will research the current budget and bring the proposed appropriation back to Council for approval. Heath reported the project was presented at budget time for the City's cost of moving the lines above ground; what was not included in the budget was the cost of First Energy moving their lines; Heath added that this will require a supplemental appropriation at the Second Quarter Budget Adjustments. Helberg asked if the City can maintain the lines on the poles owned by First Energy; Clapp replied they could. Clapp stated that he is concerned that line testing may damage the underground lines which would cause an immediate need for replacement, adding that they are trying to get the construction done before damage requires immediate action. Clapp reported that overhead lines are easier to repair than underground lines; Marihugh added that the material to fix an underground line may not even be readily available, it may take six (6) months or longer due to the need for copper. Behm agreed with the project as a cost saving measure, but encouraged Council to reduce the use of overhead lines on the Scott Street area due to them detracting from economic development. Wilson asked if there are concerns regarding the funds needed for the project; Heath stated there are adequate funds and the additional allocation will be presented to Council as a Second Quarter Budget Adjustment. Clapp stated that the price quote is valid until June 30th; T. Wachtman added that there is a need for Council approval as soon as possible to meet the installation time restrictions of First Energy.

Motion To Suspend The Rules

Passed

Yea- 7 Nay- 0

Passed Yea- 7

Nay- 0

Second Read Of Ordinance No. 024-15 Motion: Helberg Second: Maassel To suspend the Rules requiring three Readings

Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nay-

Roll call vote to pass Resolution No. 027-15 under Suspension of the Rules Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nay-

President Sheaffer read by title Ordinance No. 024-15, an Ordinance to approve current March 2015 Replacement Pages to the Napoleon Codified Ordinances

Motion To Approve Second Read Motion: Comadoll Second: Wilson To approve Second Read of Ordinance No. 024-15

Discussion

Hayberger reported that there were no changes to the Ordinance since the First Read.

Passed Yea- 7 Nay- 0 Roll call vote to approve Second Read of Ordinance No. 024-15 Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nav-

Third Read Of Ordinances And Resolutions There are no Third Reads of Ordinances and Resolutions.

GOOD OF THE CITY

Discussion/Action

Approval of Plans, Specifications, Documentation And Contracts for 2015 Street Striping Project Irelan reported that the City of Napoleon's Department of Public Works requests approval of the specifications for the 2015 Street Striping Project; the Engineer's Estimate of Construction is \$90,000.00, and the budgeted amount for this project is \$100,000.00. Marihugh asked if this is thermoplastic striping; Lulfs stated that no thermalplastic striping was included in the budget. Helberg asked if the twenty five mile per hour (25 mph) streets must be striped; Hayberger suggested striping any that were previously striped, to avoid liability. Lulfs stated that not all are striped; only the ones with issues and traffic must be directed; Lulfs stated that he would request input from the Police Department regarding this if Helberg would like this researched.

Motion To Approve Plans, Specifications, Documentation And Contracts For 2015 Street Striping Project Motion: Comadoll Second: Wilson

To approve the plans, specifications, documentation and contracts for the 2015 Street Striping Project

Passed Yea- 6 Nay- 1 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg Nay- Marihugh

Approval of Plans, Specifications, Documentation And Contracts For 2015 Miscellaneous Street Improvements Project Irelan reported that the City of Napoleon's Department of Public Works requests approval of the plans and specifications for the 2015 Miscellaneous Street Improvements Project; this project consists of resurfacing Independence Drive from Industrial Drive to Enterprise Avenue, and Daggett Drive from Huddle Road to West Maumee Avenue; also included are the following alternates: Fairview Drive from West Maumee Avenue to the dead end; a patch on Commerce Drive near East Riverview Avenue; and a patch on Enterprise Avenue near American Road. Lulfs reported that the Engineer's Estimate of Construction (Base Bid) is \$200,000.00 and the budgeted amount for this project is \$200,000.00. Irelan stated that some of the remaining salt shed funds could be allocated to this project if there are any available. Lulfs stated that the Commerce Drive and Riverview Avenue area is the Southbound lane. Helberg asked why the noncurbed section of Daggett Drive is being paved since this is considered an unimproved street; Lulfs stated that this is necessary due to the condition of the street. Helberg believes that unimproved streets required a repair that is less expensive than resurfacing; Lulfs stated that he would prefer to rebuild it however he believes the resurfacing will improve the street condition

for approximately ten (10) years. Maassel asked how many tons this would be without the alternates; Lulfs estimated approximately ten thousand (10,000) linear feet. Marihugh asked if nine (9) millimeter product would be used; Lulfs stated that the ODOT standard 448 would be used; Marihugh agreed stating that this would be acceptable since the degradation is in the center.

Motion To Approve Plans, Specifications, Documentation And Contracts For 2015 Miscellaneous Street Improvements Project Motion: Wilson Second: Comadoll
To approve plans, specifications, documentation and contracts for the 2015
Miscellaneous Street Improvements Project

Passed Yea- 6 Nay- 0 Abstain - 1 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Marihugh Nay-Abstain - Helberg

Approval Of Purchase Of A Dump Truck Off State Contract For The Electric Department Irelan reported that during the 2015 budget discussion, the Electric Department budgeted for a new small dump truck; the State bid has a 2015 GMC 3500 Sierra 12,800 lb. DRW 4Wheel Drive Regular Cab Flex fuel vehicle for \$29,407. Irelan stated that a two (2) yard dump body with twelve (12) volt electric would be added along with the tool boxes necessary to do the job; in total, \$10,010 in extras will be added totaling the purchase at \$39,417, adding that the budgeted amount is \$55,000. Irelan requested the approval of the purchase of a dump truck off State Contract for the Electric Department totaling \$39,417. Maassel asked if this is an additional vehicle; Clapp stated the current Ford will be replaced, adding that a snow plow package will be added to the new truck to make it more heavy duty and able handle the stone and weight that is added; Irelan reported that this addition would cost approximately \$384. Marihugh asked what the Gross Vehicle Weight (GVW) rating would be; Clapp stated it is approximately 10, 000 to 14,000. Marihugh stated that he is concerned about it being a 3500 with a two (2) yard dump, believing that it could easily be overloaded, and the twelve (12) volt lift mechanism may not be adequate; Clapp stated that he has never had an issue with this on the current truck; Irelan stated that there are no concerns from the current garage staff. Irelan reported that a live auction will take place in July and will include the Ford. Marihugh asked if the local GMC dealer was researched before this vehicle was chosen; Irelan stated that local vendors are always researched before a presentation is brought to Council.

Motion To Approve Purchase Of A Dump Truck Off State Contract For The Electric Department Motion: Maassel Second: Wilson
To approve the purchase of a dump truck off State Contract for the Electric
Department

Passed Yea- 6 Nay- 1 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg Nay- Marihugh

Approval Of Grant Funding For The Underpass At Route 24 Irelan reported that funding for this project has been attempted previously; ODOT is the lead applicant in this attempt, with City contributing 20.01% which will add three (3) additional points out of a possible five (5). Irelan

And Route 108

reported that \$340,000 will be allocated to this project if this grant funding is approved, adding that this cost is still less than other options for this project and the City is saving money by doing a flat contribution. Ridley asked if this project included installation of roundabouts; Irelan replied yes; roundabouts on both sides is the current recommendation of ODOT. Maassel asked what other changes will be needed if this project is approved; Irelan stated the only issue to be researched is where the sidewalks will be placed that are tied to the roundabouts. Lulfs added there is a line item included in the budget for the sidewalks, but there is no design as to where they will be placed yet. Maassel is concerned that the businesses will be negatively affected due to this project; Lulfs stated this project will not affect the current business traffic, adding that the roundabouts will be large enough for semis to handle the curve. Wilson asked for the timeline associated with this project; Lulfs stated this should be completed in either the 2018 or 2019 fiscal year. Marihugh stated that he is not in favor of this project due to the City's prior relationship with ODOT; Helberg stated that this project will cost the City more without the help. Wilson asked who would be responsible for paying for any necessary repairs; Irelan stated that repairs should be the responsibility of ODOT; Hayberger will research this. Lulfs stated that there would be a one (1) year guarantee on the project; however the Ohio Revised Code (ORC) stated that the City will have maintenance responsibilities, adding that any major issues with the project will appear quickly. Lulfs reported that the roadway and drainage are planned with no underground sewer, and replacing the current water line can be researched if the project is approved.

Motion To Approve Grant Funding For The Underpass At Route 24 And Route 108 Motion: Ridley Second: Maassel
To approve grant funding for the Underpass at Route 24 and Route 108

Passed Yea- 6 Nay- 1 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg Nay- Marihugh

Set A Public Hearing For Monday, June 1, 2015 At 6:55pm In City Hall Regarding The 2016 Tax Budget Heath requested that a Public Hearing be set for Monday, June 1, 2015 at 6:55pm in City Hall regarding to review the proposed 2016 Tax Budget and the Inside Ten (10) Mill Levy rates allocated to the City; the Public Hearing will be published to invite the public.

Motion To Set A
Public Hearing For
Monday, June 1, 2015
At 6:55pm In City Hall
Regarding The 2016
Tax Budget

Motion: Ridley Second: Wilson
To set a Public Hearing For Monday, June 1, 2015 at 6:55pm in City Hall regarding the 2016 Tax Budget

Passed Yea- 7 Nay- 0 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nay-

Acceptance Of Donation From Napoleon Police Officers Union Irelan reported that at their April meeting, the Parks and Recreation Board recommended the acceptance of a donation of skate park equipment from the Napoleon Police Officers Union. Nicely reported that the Union wanted to help

Council 5/4/15

the kids have something to do, adding that that new equipment is made of steel to allow the use of BMX bikes on the equipment also. Nicely added that there have been no issues at this park.

Motion To Accept Donation From Napoleon Police Officers Union Motion: Comadoll Second: Marihugh
To accept a donation from the Napoleon Police Officers Union

Passed Yea- 7 Nay- 0 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nay-

Review Of Assessment Percentage On Roundhouse Road Project Heath distributed information regarding the assessment cost estimate for Roundhouse Road, as well as a comparison of Ohio Short Term Bond Rates to the Twenty (20) Year Bond Index; see attached. Hayberger stated this has previously been discussed in Executive Session; if a there were a difference in sizing of the road there would be no assessment, however this will be a standard road, and assessment of the cost is a possibility. Hayberger believes that a one hundred percent (100%) assessment will end any economic development in that area and recommended a fifty percent (50%) assessment due to City interest in the other side of Glenwood Avenue. Maassel asked if a fifty percent (50%) assessment was the standard for new road construction; Heath replied that if this was a subdivision, the road would be built and handed over to the City with the City paying nothing, adding that a standard design would be a hundred percent (100%) assessment. Wilson believes that a fifty percent (50%) assessment is fair to encourage economic development in the area.

Helberg asked why this road would not be constructed as a thoroughfare; Lulfs reported that this decision is due to space issues, and the road will be twenty nine (29) feet wide which is the size of the roads in commercial areas with no issues; Lulfs added that the eight (8) on eight (8) commercial thickness will be used for the road as well; there could be two (2) inches of asphalt that could be removed from the budget if necessary.

Motion To Approve Fifty Percent (50%) Assessment On Roundhouse Road Motion: Comadoll Second: Wilson
To approve a fifty percent (50%) assessment on Roundhouse Road

Passed Yea- 6 Nay- 1 Roll call vote on above motion: Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg Nay- Marihugh

Approval Of Salt Shed Specifications Irelan reported that during the budget discussions, the Department of Public Works presented a capital expenditure for a new salt shed, adding that the current salt shed is a wood structure and is too small for the department to purchase larger quantities of salt at a lower price; the budgeted amount is \$350,000. Irelan distributed a list of design alternatives that were compiled with the assistance of Rupp/Rosebrock, Inc. and Gerken Asphalt Paving, Inc.

Three (3) options were listed with cost: Option 1-60'x100' steel building with 12' high poured concrete walls and 8" reinforced concrete floor with a total cost of \$234,770.00

Option 2 – 60'x100' fabric structure with 12' high poured concrete walls and 8" reinforced concrete floor with a total cost of \$204,000.00

Option 3 – 60'x100' fabric structure with 5' precast block walls and 8" asphalt floor with a total cost of \$186,500.00

Irelan recommended creating an affordable structure by combining Options 2 and 3 – 60'x100' fabric structure with 12' high poured concrete walls and 8" reinforced concrete floor with a total cost of \$202,000.00.

Approval Of Salt Shed Specifications (Continued) Helberg stated that he is concerned about the concrete walls not being able to be moved since this is an economic development area; Maassel agreed. Irelan stated that the industry has changed; adding that the ceilings and bracing and other issues make the Operations building less appealing to commercial and industrial customers. Maassel asked if the County used precast blocks or poured concrete for the walls at their shed; Irelan stated the County shed is about half the size of this one, and the precast blocks can only go up five (5) feet. Irelan stated that the plan is to use the building for future storage and to add a leanto, and these future plans can only happen with sturdy walls. Irelan stated that if the precast blocks were used, they must be reinforced with stone before any storage could be done. Marihugh showed pictures of a building in New Bavaria with first run block walls that he believes could be adequate; Lulfs reported that Rupp/Rosebrock stated that there could be a fifteen percent (15%) cost savings by using poured concrete walls. Marihugh believes that Option 3 is the best option. Maassel asked how the fabric upholds; Rathge stated that there is a twelve (12) year warranty. Wilson asked if anyone researched this project with the County; Lulfs stated that it was; Wilson asked what they recommend; Lulfs agreed with Irelan that the issue with precast blocks is that the outside of the building must be reinforced with stone, reducing potential storage space. Rathge stated the bottom block is buried and does not count toward storage space; adding that he believes there would be no problems with holding. Irelan restated that she would like to avoid needing stone reinforcement so the building can be used for storage in the future. Maassel asked how hard the building would be to take down; Lulfs replied this could not be taken down in house; Helberg stated this building could be used for other things as well. Marihugh asked what type of concrete would be used; Lulfs has not researched recommendations; he did receive a quote from a local contractor for pouring the walls. Wilson asked if Staff agreed to the recommendation; Irelan stated this was the recommendation from all Staff. Rathge added that the new salt shed will be in a different location than the current one, as it is wider and needs a sanitary sewer.

Motion To Approve Salt Shed Specifications

Passed Yea- 7

Nay- 0

Sheaffer

Good Of The City (Cont.)

Motion: Wilson Second: Ridley To approve the salt shed specifications

Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nav-

Sheaffer received letter from the Napoleon American Legion regarding the Memorial Day parade asking Council to participate.

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Sheaffer congratulated Dave Mack for being Officer of Year; Weitzel will relate this to Mack.

Sheaffer suggested that the Council Rules contain an addition that Council will not address any anonymous letter; this is already the practice and Sheaffer believes this should be in writing. Ridley asked if there should be protection for anyone worried about retaliation if their name is attached to a letter; Hayberger stated this is difficult as a letter is a public record.

Sheaffer assigned two (2) items to Personnel Committee; Employee Reviews and the Search for a Law Director.

None

None

Marihugh received a letter from the Archbold Police Department affirming help from the Napoleon Police Department; Marihugh thanked Weitzel for the backup.

Marihugh believes that it is time to sit down with the satellite customers and make it publicly known what is being said behind the scenes by the satellites. Marihugh stated that he spoke with the Ohio Environmental Protection Agency (OEPA) and believes that they are not on board with the proposed water district. Marihugh stated that the satellite customers are stating that Napoleon is not selling decent product, and this is a discredit to the City as there have been no violations for five (5) years. Marihugh believes a game plan must be brought forward and a public statement must be read.

Marihugh asked Lulfs to send someone to the spot on Glenwood Avenue in the Southbound lane near the Police Department; the pavement is raised at the spot of the manhole; Lulfs stated there was a water main break in that area and will have this researched.

Marihugh stated that he would like to see the access to Big G's signs more visible; he believes that the signs blend in with the barricades.

Marihugh asked the status of the property at the intersection of Commerce Drive and Interchange Drive regarding the outdoor storage issue; Irelan stated that she had spoken with the owner as well as the person storing the items, a code enforcement letter will be sent and the area should be cleaned up soon; Marihugh believes they are burying the debris; Irelan will research this.

Marihugh stated that the Riverview Avenue junkyard section has the vehicles off the City right-of-way, but Marihugh believes the vehicles still must be within fenced area; Irelan stated that the Ohio division that reaffirms the permit has done so. Hayberger will be contacting the owners.

Marihugh believes that 515 Independence Drive is not a regulated junkyard, and has approximately six (6) to eight (8) cars and a part of a motorhome on the property; Irelan stated this is owned by one person and another is storing the items there; both have been contacted and will also receive a code enforcement letter. Marihugh added that this is becoming an issue for economic

Behm

Helberg

Marihugh

development as well.

Marihugh asked if the concrete from the Appian Avenue project is going to Yard Waste Site; Lulfs stated the contractors have permission to take it there but Lulfs is not certain if they are; Marihugh stated that he would like to see this happen for future projects; this is an inexpensive way for the City to recycle concrete for other City projects.

Marihugh (Continued)

Marihugh asked Clapp when the black start was last tested; Clapp stated it was 2006. Marihugh asked Irelan if this could be tested again; Irelan stated that she has discussed this at AMP and will continue to do so, however they are not promoting the City to do a total blackout test. Wachtman stated that the equipment is capable, adding that the solar field pumps power into that station and he is confident that it will black star, but testing this could cause regulation issues.

Marihugh asked if there are any long term plans to rebuild Harmony Drive; Lulfs stated that the concentration is currently on the Park Street area, Dodd Street, and DeRome Drive; Lulfs stated that there are many roads that he would like to rebuild.

Comadoll

Comadoll stated that the junior/senior prom was at the Armory on Saturday and has heard from businesses that there was no formal notification of the parking issues. Comadoll asked who gave the authority to have vehicles moved in the area; Chief stated they had a permit and had the authority to ask drivers to move their vehicles.

Hayberger

None

Irelan

Irelan stated that Big G's is open and accessible.

Irelan reported that there will be a live auction on July 18th at the Operations Department garage with lots of items that will be listed in paper.

Heath

Heath stated that the April 20th reports were handed out tonight due to not being in the Council packet for the last Council meeting.

Heath reported that he went to Sunshine Law training and distributed a copy of the certificate and CD, along with an outline of the discussion.

Wilson

None

Ridley

Ridley recognized Kurt's Karate winning an award for the most competitors at a recent competition.

Ridley believes that Seasonal Cleanup went well, adding that the announcement regarding residents not being allowed to go through the piles seemed to help.

Ridley participated in one of the new park programs and the kids enjoyed it.

Maassel

Maassel recently listened to the Friends of the Golf Course talk about maximizing citizen involvement; Maassel thanked Cotter.

Maassel reported that unemployment is currently 7.7% in Henry County,

which is ranked the 12th from bottom in the State; Maassel asked how this could be changed. Marihugh stated that there are seven (7) places on Scott Street that are currently hiring and there is a help wanted sign at Custom Ag; adding that he believes that if residents wanted to work, they could easily find a job. Wilson asked if an update has been received regarding the economic development plan; Irelan stated that this was discussed in Committee but not yet brought before Council. Behm stated that most of the suggestions require investments and the City is struggling to pay for required projects; it will take Council to find ways to come up with the necessary funds. Irelan stated that the Economic Development Committee directed her to get figures on items including power lines on Scott Street, creating a Revitalization District at the waterfront to be able to apply for liquor licenses which would draw more restaurants; figures for connector roads including a Trail Drive extension and Northcrest Drive to build the development behind Scott Street, and code enforcement of residential properties, which has had some improvement currently. Ridley stated that he works with clients who are looking for work and he agrees with Marihugh; there are job opportunities but people are not willing to fill them; Ridley added that there is a position at Defiance College requiring only basic skills with a starting wage of approximately \$14.00 per hour, and has been open for about a year. Helberg believes the clients are passing because they can make more with the federal monies they are given. Sheaffer does not believe the City unemployment rate is as high as the Country rate.

Motion To Go Into Executive Session: Compensation Of Personnel

Motion: Maassel Second: Ridlev

To go into Executive Session to discuss compensation of personnel

Passed

Yea-7

Nay-0

Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh

Nav-

Into Executive Session

Council went into Executive Session at 8:43pm.

Motion To Come Out Of Executive Session:

Compensation Of

Personnel

Motion: Maassel Marihugh Second: To come out of Executive Session

Passed

Yea-7

Nay- 0

Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh

Nay-

Out Of Executive Session

Council came out of Executive Session at 9:03pm. President Sheaffer reported that the discussion was regarding the compensation of personnel and no action

was taken.

Approval Of Bills

Bills and financial reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Marihugh Second: Ridley

To adjourn the meeting.

Passed

Roll call vote on above motion:

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Yea- 7 Nay- 0	Yea- Comadoll, Wilson, Ridley, Maassel, Sheaffer, Helberg, Marihugh Nay-
Adjournment	Meeting adjourned at 9:04pm.
Approved:	Travis B. Sheaffer, Council President
	Travis B. Sileaner, Council President
	Ronald A. Behm, Mayor
	Cregory I Heath Finance Director/Clerk of Council

ORDINANCE NO. 029-15

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE RULES AND REGULATIONS OF CITY COUNCIL FOR THE CITY OF NAPOLEON

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

WHEREAS, City Council met at a regular meeting and discussed said amendments and thereafter the City Council moved for the Law Director to bring back appropriate legislation. Thereafter, at the May 4th regular meeting of Council an addition amendment was moved to be included in the appropriate legislation; and

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

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

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

- Section 1. That, the City of Napoleon does hereby amend the Rules and Regulations of City Council for the City of Napoleon, as set forth in "Exhibit A" which is attached and incorporated herein.
- Section 2. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 21.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.
- That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. time permitted by law	That, this Ordinance shall be in full for	ce and effect at the earliest
Passed:		
	Travis B.	Sheaffer, Council President

Approved:		
		Ronald A. Behm, Mayor
VOTE ON PASSAGE YAttest:	Yea Nay	_ Abstain
Gregory J. Heath, Clerk/Finance	e Director	
the foregoing Ordinance No. 029- general circulation in said City, or	15 was duly published in the day of in rules established in (the City of Napoleon, do hereby certify that in the Northwest Signal, a newspaper of; & I; & I Chapter 103 of the Codified Ordinances Of ning to Public Meetings.
		Gregory J. Heath, Clerk/Finance Director

RULES
AND
REGULATIONS
OF
CITY COUNCIL

CITY OF NAPOLEON, OHIO

#CRR-2001

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule 1.1 Place Of Meetings

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

Rule 1.2 Public Meetings

Except as provided by charter, ordinance, resolution, rule or statute, all meetings of the council or committees thereof shall be public, and, upon request of any citizen desiring to be heard on any matter then under consideration by the council, the council may hear the citizen or, on motion, send it to a committee and hear such citizen at such time and for such period as council or the committee may determine. Persons desiring to be heard by any committee of council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. ALL PUBLIC COMMENTS, WHETHER AT COUNCIL OR AT COMMITTEE MEETINGS, SHALL BE LIMITED TO 5 MINUTES PER PERSON, UNLESS COUNCIL PRESIDENT OR COMMITTEE CHAIRPERSON GRANTS AN EXTENSION. EACH EXTENSION SHALL BE FOR AN ADDITIONAL 5 MINUTES, UNLESS COUNCIL PRESIDENT OR COMMITTEE CHAIRPERSON STATES AT THE TIME OF GRANTING THE EXTENSION ANY OTHER INCREMENT. All minutes and the record of the council shall be open to the public at all reasonable times.

Rule 1.3 Regular Meetings

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

Rule 1.4 Special Meetings

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

Rule 1.5 Emergency Meetings

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

Rule 1.6 Adjournment

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

Rule 1.7 Ouorum

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

Rule 1.8 Order Of Business

Rule 1.8.1 The Clerk

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

Rule 1.8.2 Prayer

RULE 1.8.3 PLEDGE OF ALLEGIANCE

Rule 1.8.4 Minutes

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

- Rule 1.8.5 Citizen Communication
- Rule 1.8.6 Report from Committees
- Rule 1.8.7 Second Reading Of Ordinances And Resolutions
- Rule 1.8.8 Third Reading Of Ordinances And Resolutions
- Rule 1.8.9 Any Other Business As May Properly Come Before Council (Pay Bills), (Miscellaneous), *ACTION/DISCUSSION*, Etc.

Rule 1.8.10 Adjournment

Rule 1.8.11 Introduction Of Items By The Presiding Officer

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

Rule 1.8.12 Payment Of Bills

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

Rule 1.9 Council Agenda

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

RULE 1.10 AGENDA FOR THE ORGANIZATIONAL MEETING

IN ADDITION TO THE NORMAL AGENDA THE AGENDA FOR THE ORGANIZATIONAL MEETING SHALL INCLUDE, IN THIS ORDER.:

- 1. CALL TO ORDER BY CLERK OF COUNCIL.
- 2. PRAYER AND PLEDGE OF ALLEGIANCE.
- 3. SWEARING IN (OATH OF OFFICE) OF MAYOR AND COUNCIL MEMBERS ELECT.
- 4. ELECTION OF PRESIDENT OF COUNCIL.
- 5. ELECTION OF PRESIDENT PRO-TEM OF COUNCIL.
- 6. SEATING ORDER OF CITY COUNCIL.
- 7. APPOINTMENT OF STANDING COMMITTEES OF COUNCIL.
- 8. APPOINTMENT OF PERSONNEL COMMITTEE.
- 9. SETTING OF MEETING DATES AND TIME FOR REGULAR MEETINGS OF COUNCIL.
- 10. SETTING OF MEETINGS DATES AND TIMES FOR STANDING COMMITTEES OF COUNCIL.
- 11. APPOINTMENT OF CLERK OF COUNCIL.

RULE 2 OFFICERS AND EMPLOYEES OF COUNCIL

Rule 2.1 Presiding Officer

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

Rule 2.2 Votes Necessary For Election Of Officers And Employees

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

Rule 2.3 Roll Call Votes

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

RULE 2.4 PROTOCOL FOR ELECTION OF PRESIDENT AND PRESIDENT PROTEM

IN SEPARATE ACTIONS, THE CLERK OF COUNCIL SHALL REQUEST EACH MEMBER OF COUNCIL FOR A NAME OF A CANDIDATE FOR PRESIDENT OF COUNCIL AND A NAME OF A CANDIDATE FOR PRESIDENT PRO-TEM OF COUNCIL. THIS SHALL BE ASKED BY FIRST IN ELECTED OR APPOINTED SENIORITY ORDER (SENIORITY ORDER DEFINED AS THE NUMBER OF TOTAL CONSECUTIVE YEARS SERVED ON CITY COUNCIL FROM THE LATEST APPOINTMENT OR ELECTION DATE WITH NO BREAK IN SERVICE), AND THEN ALPHABETICALLY BY LAST NAME ORDER FOR THOSE WITH EQUAL NUMBER OF YEARS.

WHEN REQUESTED BY THE CLERK OF COUNCIL FOR A NOMINATION FOR PRESIDENT OR PRESIDENT PRO-TEM OF COUNCIL, EACH COUNCIL MEMBER MAY: 1) STATE A NAME 2) MAY STATE THEIR OWN NAME 3) MAY PASS IF NAME HAS ALREADY BEEN PREVIOUSLY STATED AND A MOTION MADE. ONCE A NAME IS STATED A MOTION WILL BE REQUESTED FOR THE STATED NAME. IF A MOTION (1ST) IS MADE, A SECOND (2ND) WILL BE REQUESTED. IF A SECOND (2ND) IS RECEIVED, THEN THAT NAME WILL BE ELIGIBLE TO BE VOTED ON. THE CLERK OF COUNCIL SHALL PROCEED TO THE NEXT MEMBER OF COUNCIL UNTIL ALL MEMBERS HAVE HAD THEIR OPPORTUNITY TO STATE A CANDIDATE FOR PRESIDENT OR PRESIDENT PRO-TEM OF COUNCIL. MEMBERS OF COUNCIL MAY NOMINATE THEMSELVES FOR PRESIDENT OR PRESIDENT PRO-TEM OF COUNCIL. ONCE A GIVEN NAME IS STATED, AND MOTION AND SECOND RECEIVED. THAT GIVEN NAME DOES NOT NEED TO BE REPEATED BY THE NEXT PERSON IN LINE.

A VOTE SHALL THEN BE TAKEN ON EACH NAME GIVEN, STARTING WITH THE FIRST ELIGIBLE NAME. EACH COUNCIL MEMBER WILL BE ASKED TO VOTE YES OR NO ON EACH NAME PRESENTED. THE PERSON RECEIVING A CLEAR MAJORITY OF YES VOTES SHALL BE APPOINTED TO THE OFFICE PRESIDENT OR PRESIDENT PRO-TEM OF COUNCIL. IN THE CASE OF A TIE VOTE ON THREE (3) OR MORE NAMES, THAN A NEW VOTE SHALL BE TAKEN UNTIL ONE OF THOSE PERSONS RECEIVES A CLEAR MAJORITY VOTE. IN THE CASE OF A TIE VOTE ON TWO (2) NAMES ONLY, THE WINNER SHALL BE DECIDED BY THE FLIP OF A COIN, UNLESS ANOTHER METHOD IS APPROVED BY MAJORITY VOTE OF ALL THE CURRENT MEMBERS OF COUNCIL. MEMBERS OF COUNCIL MAY VOTE FOR THEMSELVES FOR PRESIDENT OR PRESIDENT PRO-TEM OF COUNCIL.

RULE 2.5 SEATING ORDER FOR COUNCIL

5TH SENIOR

SEATING ORDER SHALL BE FROM PRESIDENT TO PRESIDENT PRO-TEM TO SENIORITY ORDER, AS LISTED IN THE EXAMPLE BELOW, UNLESS MODIFIED BY A MAJORITY VOTE OF COUNCIL:

COUNCIL SEATING ORDER
MAYOR PRESIDENT
IST SENIOR PR.
3RD SENIOR

PRESIDENT PRO-TEM
2ND SENIOR
4TH SENIOR

A MOTION TO APPROVE TO THE SEATING ORDER WILL BE REQUESTED. IF A MOTION (1ST) IS MADE, A SECOND (2ND) WILL BE REQUESTED. IF A SECOND (2ND) IS RECEIVED, THEN A VOTE WILL BE TAKEN TO APPROVE THE SEATING ORDER OF COUNCIL. IF A SIMPLE MAJORITY IS RECEIVED, THEN SEATING ORDER OF COUNCIL STANDS APPROVED.

Rule 2.4 City Clerk

The council shall appoint a clerk by motion or legislation and such other officers and employees as may be deemed necessary and fix their compensation ESTABLISH A PROCEDURE TO SELECT A NAME FOR CLERK OF COUNCIL. ONCE A NAME IS SELECTED, IF A MOTION (1ST) IS MADE, A SECOND (2ND) WILL BE REQUESTED. IF A SECOND (2ND) IS RECEIVED, THEN A VOTE WILL BE TAKEN TO APPROVE THE CLERK OF COUNCIL. IF A SIMPLE MAJORITY IS RECEIVED, THEN THE APPOINTMENT OF THE CLERK OF COUNCIL STANDS APPROVED. FAILURE TO GET APPROVAL BY CITY COUNCIL WOULD REQUIRE THE CITY COUNCIL TO SUBMIT A DIFFERENT NAME FOR APPOINTMENT AND VOTE. The clerk shall keep the record of the council, and he or she shall be the editor of the city record. He or she shall keep a proper file of all papers and documents that are a part of the transactions of the council, of meetings of committees, and all orders of the council, and shall make such records available to the public when required by law. He or she shall cause to be kept minutes of each meeting, which shall be kept in record form and made available for public inspection when required by law. The record of meetings shall be kept electronically or in the form of loose sheet records and need not be printed in the city record nor copied in any other book. The city record shall contain attendance of members at the meetings. In addition, the clerk shall report to council the absence of members from council meetings and shall perform such other and further duties as may from time to time by charter, ordinance. resolution, rule or statute be required of him or her. The city clerk, as editor of the city

record, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and printing of the city record the clerk is cloaked with the power and authority to correct clearly typographical errors in all minutes, ordinances, resolutions, motions, or other measures, without prior or subsequent action of council.

Rule 2.4.1 Title Of All Ordinance And Resolutions

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

Rule 2.4.2 Preambles

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

Rule 2.4.3 Ordinances And Resolutions

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

Rule 2.4.4 The Minutes

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

Rule 2.4.5 Cumulative Subject Index

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

RULE 3 COMMITTEES

Rule 3.1 Standing Committees Of Council

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

- Rule 3.1.1 Finance And Budget
- Rule 3.1.2 Safety And Human Resources
- Rule 3.1.3 Electric
- Rule 3.1.4 Water, Sewer, Refuse, Recycling And Litter
- Rule 3.1.5 Parks And Recreation
- Rule 3.1.6 Technology And Communication
- Rule 3.1.7 Municipal Properties, Building, Land Use And Economic Development

RULE 3.1.8 THE APPOINTMENT OF STANDING COMMITTEES

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

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

Each standing committee shall consist of three (3) council members. Each council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a

whole. The mayor shall serve as an ad hoc member of the finance and budget committee, and the municipal properties, buildings, land use and economic development committee, with full voting rights in both committees.

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

Rule 3.2 Committee Meetings

A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at the time and place fixed, as prepared by the president of council and clerk of council inconference with the chairperson of the several committees. COUNCIL PRESIDENT, CLERK OF COUNCIL AND CHAIR PERSON OF STANDING COMMITTEE SHALL SET THEIR RESPECTIVE REGULAR MONTHLY DATE AND TIME OF THEIR STANDING COMMITTEE. ONCE THE REGULAR MONTHLY DATES AND TIMES ARE SET FOR THE COMMITTEE MEETINGS, A MOTION MAY BE MADE AND A VOTE TAKEN BY COUNCIL TO APPROVE AND AFFIRM THE DATES AND TIMES. The schedule shall be posted upon the bulletin board in the city's principal municipal building. Should the chairperson of a committee find it necessary to hold the meeting at another time or place, notice shall be provided pursuant to chapter 103 of the codified ordinances. All committee meetings shall be open, (except that, upon approved motion, an executive session may be entered into for a proper purpose) and committee report containing a record of the attendance of members of the committee and the action taken thereat shall be kept by the committee in a record provided for that purpose. Such record shall be kept on file with the clerk of council and open to public inspection as other public records. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of the committee, may, upon the recommendation of the committee cause the removal of the member from the committee by the president of council (except that the mayor may not be removed by the council president from committees that the mayor serves pursuant to the city charter). No legislation shall be amended while in committee, and it shall be the duty of the committee to recommend to council the approval, disapproval, or amendment of any legislation under consideration by the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval, or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present. Committee meetings may be called as study sessions whereupon, unless permitted by the chairman, no person from the audience will be given the floor to speak.

Rule 3.3 Committee Rules

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

Rule 3.4 Committee Reports

No proposed ordinance, resolution, petition, or other matter shall be considered by a committee unless referred thereto by council, the council president or the mayor. No ordinance, resolution, petition, or other matter which has been referred, except as provided for in Rule 6.12, shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting called as provided for herein. The question of the recommendation for approval or disapproval on any matter shall be put by the chairman upon motion of any member, which shall not require a second. If a majority of the members of the committee vote affirmatively on such matter shall be reported forthwith to council as a non-adverse recommendation, but if a majority of the members of the committee vote negatively on the question, the matter shall be reported forthwith to council as an adverse recommendation. The vote on all matters before the committee shall be recorded in the committee minutes. When a majority of the committee has reported, recommending or not recommending action of the matter under consideration the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report. Reports may merely consist of the recommendation of the committee, the body of council relying on the committee minutes for explanation. If a committee cannot reach an affirmation or negative recommendation after three (3) considerations, it shall be reported out as no recommendation, unless the time is extended by approval of council.

Rule 3.5 Ad Hoc Committees

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

Rule 3.6 Committee Members

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

Rule 3.7 Council Members Ad Hoc Members Of Committees

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

Nothing contained herein shall be construed to bar such council person from participating in discussions, motions, voting or other action when the subject matter is considered by the council as a whole. This provision is not to be construed to prevent council persons appointed to ad hoc committees from carrying out their role as a committee member. Finally, (except as provided in rule 3.1 that provides for a pro tem member) the absence or presence of an ad hoc ex-officio council member at a committee meeting shall not affect the number required for a quorum in order to function as a committee.

Rule 3.8 Joint Sessions Of Committees, Boards, Commissions

Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members, committee members, board members or commission members may attend meetings of each other; however, if attended for the purpose of a prearranged discussion of the public business by a majority of its members, it should be published as a joint session and called and conducted as such. Both bodies should call their respective body to order and have minutes taken and prepared for each. Visiting members of bodies, other than that body scheduled for an official session, may attend; however, if a quorum of the visiting body should happen to formulate, then those visiting attendees shall be mere passive observers in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed to mean that council meetings are required to call "joint session" with committees of council while meeting as a council of the whole.

Rule 3.9 Personnel Committee

A personnel committee, consisting of the mayor and two (2) council members appointed by the council president, such appointments being subject to approval of council, is established by the charter. COUNCIL PRESIDENT SHALL APPOINT TWO (2) COUNCIL MEMBERS TO THE PERSONNEL COMMITTEE. IF A MOTION (IST) IS MADE, A SECOND (2ND) WILL BE REQUESTED. IF A SECOND (2ND) IS RECEIVED, THEN A VOTE WILL BE TAKEN TO APPROVE THE APPOINTMENT OF PERSONNEL COMMITTEE. IF A SIMPLE MAJORITY IS RECEIVED, THEN THE APPOINTMENT OF THE PERSONNEL COMMITTEE STANDS APPROVED. Failure to get approval by City Council would require the Council President to re-submit names for appointment and vote.

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

Rule 3.10 Audit Committee

Notwithstanding any rule to the contrary, the finance and budget committee of the city council shall also serve as the "audit committee" of the city. The audit committee shall serve as a liaison between management and its auditors, where the primary functions of such committee shall be to monitor and review the city's accounting and financial reporting practices and to follow up on citations and recommendations made by its auditors. The audit committee meeting may but is not required to be published separate and apart from any finance and budget committee meeting; however, matters considered

by the audit committee shall perform its functions at least quarterly each year; moreover, the committee should be made available to the auditors before and after each audit.

RULE 4 DUTIES OF MEMBERS

Rule 4.1 Duties, Privileges, And Decorum Of Members

Rule 4.1.1 Attendance

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

Rule 4.1.2 Duty To vote

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

Rule 4.1.3 Recording Votes

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

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

Rule 4.2 Right Of Floor

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

Rule 4.3 Time Limits For Speaking

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

Rule 4.4 Member Called To Order

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

Rule 4.5 Appeal From Ruling Of Chair

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

Rule 4.6 Reading From Written Matter

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

Rule 4.7 Personal Privilege

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

RULE 5 MOTIONS

Rule 5.1 Motions In General

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

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

Rule 5.2 Purpose And Form Of Motions

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

Rule 5.3 Precedence Of Motions

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

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

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

Rule 5.4 Questions

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

Rule 5.5 Motion To Lay On The Table

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

Rule 5.6 Reconsideration By Motion Of Council

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

Rule 5.7 Reconsideration By Order Of Mayor

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

RULE 6 ORDINANCES AND RESOLUTIONS

Rule 6.1 Character Of Ordinance Or Resolution

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

Rule 6.2 Ordinances And Resolutions

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

Rule 6.2.1 Presiding Officer To Present Legislation

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

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

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

Rule 6.2.2 Law Director Review

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

Rule 6.3 Passage Requirements/Suspension Of Rules/Emergency Clause

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

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

Rule 6.4 Signing And Delivery To Mayor; Veto

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

Rule 6.5 Publishing Of Ordinance And Resolutions

All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or resolutions containing words in excess of one thousand (1000) ONE words may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of ordinances or resolutions by summary, there shall be a notice in such publication that a copy of the complete ordinance or resolution is on file in the office of the clerk of council for inspection during business hours and that copies of such ordinance or resolution shall be furnished to any person, upon request, for a reasonable fee. The city law director shall review all proposed summary form publication for legal accuracy and sufficiency prior to publication. The clerk of council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten (10) calendar days immediately following the notice. Nothing in this section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the city, or there are no electronic media available, council may provide some other method of publication or giving notice of ordinances and resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the city.

Rule 6.6 A Resolution Enacting Clause May Be

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

or

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

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

Rule 6.7 An Ordinance Enacting Clause May Be

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

or

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

or

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

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

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

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

Rule 6.9 Form And Amendments

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

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

Rule 6.10 Reference To Committee Regarding Legislation

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

Rule 6.11 Committee Referrals

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

Rule 6.12 Relieving Committee

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

Rule 6.13 Advance Production Of Ordinances And Resolutions

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

Rule 6.14 Ordinances Appropriating Money

No money shall be appropriated except by ordinance or resolution.

RULE 7 DEPARTMENT HEADS

Rule 7.1 Attendance Of Department Heads

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

Rule 7.2 Clerk's Report On Pending Measures

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

Rule 7.3 Approval Of Mayor's Appointments

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

RULE 8 COUNCIL CHAMBER AND RULES

Rule 8.1 Use Of Council Chamber

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

Rule 8.2 Rules, Suspension, Amendment, And Other

Rule 8.2.1 Suspension Of Rules

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

Rule 8.2.2 Amendment Of Rules

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

Rule 8.2.3 Other Rules

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

Rule 8.2.4 Executive Session

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

1) Personnel

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

2) Property

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

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

3) Court Action

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

4) Collective Bargaining

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

5) Confidential Matters

To discuss matters required to be kept confidential by federal law, federal rules, or state statutes; or as otherwise determined by ordinance or resolution declaring the necessity of confidentiality.

6) Security Arrangements

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

7) Advice From Attorney

To obtain general legal advice from the public body's attorney.

8) Protect Utility

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

9) ECONOMIC DEVELOPMENT

TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE, OR TO NEGOTIATIONS WITH OTHER POLITICAL SUBDIVISIONS RESPECTING REQUESTS FOR ECONOMIC DEVELOPMENT ASSISTANCE, PROVIDED THAT BOTH OF THE FOLLOWING CONDITIONS APPLY:

(1) THE INFORMATION IS DIRECTLY RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE THAT IS TO BE PROVIDED OR ADMINISTERED UNDER ANY PROVISION OF CHAPTER 715., 725., 1724., OR 1728. OR SECTIONS 701.07, 3735.67 TO 3735.70, 5709.40 TO 5709.43, 5709.61 TO 5709.69, 5709.73 TO 5709.75, OR 5709.77 TO 5709.81 OF THE REVISED CODE, OR THAT INVOLVES PUBLIC INFRASTRUCTURE IMPROVEMENTS OR THE EXTENSION OF UTILITY SERVICES THAT ARE DIRECTLY RELATED TO AN ECONOMIC DEVELOPMENT PROJECT.

(2) A UNANIMOUS QUORUM OF THE PUBLIC BODY DETERMINES, BY A ROLL CALL VOTE, THAT THE EXECUTIVE SESSION IS NECESSARY TO PROTECT THE INTERESTS OF THE APPLICANT OR THE POSSIBLE INVESTMENT OR EXPENDITURE OF PUBLIC FUNDS TO BE MADE IN CONNECTION WITH THE ECONOMIC DEVELOPMENT PROJECT.

10) ANY OTHER MATTERS ALLOWED BY CITY CHARTER OR BY THE LAWS OF STATE OF OHIO

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

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

Rule 8.3 Presumption Of Validity

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

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

RULE 9 COUNCIL BUSINESS EXPENDITURES/COMPUTERS

Rule 9.1 Expenditure Of Funds By Council Members

Subject to budgetary constraints, a council person may expend funds, not to exceed two hundred (\$200.00) dollars, for a proper public purpose, without prior approval of the body of council. Except as otherwise may be permitted by ordinance, resolution, or other applicable measure, any expenditure(s) in excess of the above stated amount shall be preapproved by motion, or when required by law, legislation of council.

Rule 9.2 Travel Expenses

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

Rule 9.3 Computer Use

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to computer and software use except as follows: to encourage the mayor and members of council to utilize city furnished laptop computers while away from the work site in order to maintain communication with the city and it citizens, the mayor and council members may utilize the computers for de minimis non official use at no charge. Holders of laptop computers that are used off premises are encouraged to maintain a log of use to minimize any tax exposure. Any tax liability associated with this Rule is that of the user of the laptop computer.

Rule 9.4 Internet Access

Internet access for internal e-mail, external e-mail, receiving and transmitting council packets and correspondence will be furnished to the mayor and council members by way of modem, wireless cable, cable service or other technology at no charge. Except as provided, no personal use is permitted.

In the event that a recipient of this policy whose term commenced prior to the Year 2010 desires unlimited personal use of the city provided internet service, the recipient shall pay to the city the previously established flat monthly fee of \$15.00 per month until their term expires or until internet service is otherwise discontinued by the recipient.

Persons elected or appointed to the respective office for the term commencing in or after the Year 2010 that desires unlimited personal use of the city provided internet service shall pay a flat monthly fee to the city an in amount as determined by the Finance Director to be one half the average cost of service. Said amount shall remain consistent through the end of a term of office. The mayor or council member shall be responsible for any tax liability.

Rule 9.5 Business Meeting Expenditures

From time to time council as a whole or its committees may incur legitimate expenses while on or during city business (example: meals during a business meeting, work session or city sponsored activity), in the event of expenditure of funds, it will be reimbursed or payable by the city upon approval by council in the same manner as approval for

RULE 10 GENERAL AND MISCELLANEOUS RULES

Rule 10.1 Continuity Of Legislative Authority

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

Rule 10.2 Council Action

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

RULE 10.3 EXPECTATIONS OF COUNCIL

RULE 10.3.1: IT IS EXPECTED THAT COUNCIL MEMBERS SHALL ACT IN A PROFESSIONAL AND RESPECTFUL MANNER TO ALL APPOINTING AUTHORITIES, DEPARTMENT HEADS, EMPLOYEES OF THE CITY OF NAPOLEON AND CITIZENS OF THE CITY OF NAPOLEON.

RULE 10.3.2: COUNCIL MEMBERS SHALL RESPECT THE CHAIN OF COMMAND OF THE CITY OF NAPOLEON AND IF APPROACHED BY AN EMPLOYEE OTHER THAN AN APPOINTING AUTHORITY THE COUNCIL MEMBER SHALL INQUIRE AS TO WHETHER THE EMPLOYEE HAS FOLLOWED THE PROPER CHAIN OF COMMAND.

RULE 10.3.3: COUNCIL MEMBERS SHALL MAINTAIN
CONFIDENTIALITY OF DISCUSSIONS, WRITINGS, OR OTHER FORMS
OF MEDIA OR MODES OF COMMUNICATION THAT THE COUNCIL
MEMBER KNOWS OR SHOULD KNOW SAID MATTER SHOULD BE
KEPT CONFIDENTIAL, SUBJECT TO ANY PUBLIC RECORD STATUES,
SUNSHINE LAWS, OR ANY OTHER DUTY TO REPORT.

RULE 10.4 ANONYMOUS COMPLAINTS AGAINST CITY EMPLOYEES AND PERSONNEL

FOR COUNCIL TO BE ABLE TO PROPERLY RESPOND TO COMPLAINTS IT IS IMPERATIVE THAT THEY HAVE A VERIFIABLE VALID NAME, PHONE NUMBER AND ADDRESS. ANY NON-VERIFIABLE LETTERS OR OTHER COMMUNICATIONS GIVEN TO OR

	Y BE DISCARD. SCHEDULE, W		

ORDINANCE NO. 030-15

AN ORDINANCE AMENDING SECTION 12.3 OF THE EMPLOYMENT POLICY MANUAL OF THE CITY OF NAPOLEON TO SPECIFY THE CALCULATED MILEAGE REIMBURSEMENT AND TO AMEND HOW MEALS ARE REIMBURSED

WHEREAS, City Council acknowledges that from time to time it must review the various codes and policies of the City of Napoleon; and

WHEREAS, City Council now desires to amend the Employment Policy Manual of the City of Napoleon to specify how the mileage reimbursement is calculated and to amend how meals are reimbursed; Now Therefore,

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

Section 1. That, the City of Napoleon does hereby amend the Employment Policy Manual, 12.3 as follows (in relevant part):

"Expense Statements

When practical, Employee Expense Statements must be prepared, submitted, and approved for advance reimbursement prior to the expense being incurred on a form provided by employer.

Except as herein provided, the City requires employees to furnish information and necessary receipts to support the expenses advanced and/or incurred.

An employee may submit an expense statement for reimbursement after the travel expense has occurred, but employee must still have prior approval of such travel/expense by employee's supervisor.

All required receipts must be forwarded with a photocopy of the previously submitted expense statement.

Personal expenses for the maintenance of an employee while away on City business may be reimbursable according to the following guidelines:

Recognizing that meals are more costly in places outside rural Ohio
where seminars are generally held, except as may be increased by the
Appointing Authority, meal expenses, not otherwise included in the
costs of the meeting, training, or seminar, excluding continental
breakfast, will be AS FOLLOWS:

ANY SEMINARS HELD WITHIN FORTY (40) MILES, AS THE CROW FLIES, OF THE CITY BUILDING LOCATED AT 255 WEST RIVERVIEW AVENUE, NAPOLEON, OHIO WILL BE provided at the per diem rate of \$8.00 for Breakfast, \$10.00 for Lunch, and \$19.00 for Dinner without necessity of receipt and without necessity of actual expenditure. An employee will be

granted a total daily allowance \$37.00 for all meals as indicated in the below stated manner. ANY SEMINARS HELD BEYOND FORTY (40) MILES, AS THE CROW FLIES, OF THE CITY BUILDING LOCATED AT 255 WEST RIVERVIEW AVENUE, NAPOLEON, OHIO WILL BE PROVIDED A PER DIEM RATE AS DETERMINED BY THE U.S. GENERAL SERVICES ADMINISTRATION (GSA) MINUS THE PORTION ALLOWED FOR INCIDENTAL EXPENSES (IE) WITHOUT NECESSITY OF RECEIPT AND WITHOUT NECESSITY OF ACTUAL EXPENDITURE. An employee may, at his/her option, combine any meal costs so long as the below criteria is met and so long as the expenditure does not exceed the total daily allowance:

- ➤ Breakfast expenses are authorized when overnight lodging is necessary for the conduct of City business. In addition, breakfast expenditures are approved for a bona fide public relations reason, for the attendance of previously authorized Employees at civic or professional club breakfast meetings and for early morning travel which means the employee must be required to leave for travel prior to 8:00 a.m. in the morning.
- Lunch expenses are authorized when out-of-town for City business, for a bona fide public relations or business reason; or for the attendance of previously authorized employee at civic or professional club luncheons. Day trips away from the office for normal work related duties do not qualify for lunch expense reimbursement.
- Dinner expenses are authorized if the employee will have overnight lodging or his/her arrival back to the City is past 5:00 p.m. (in the conduct of City business). Dinner reimbursement will also be made for bona fide public relations reasons, or the attendance of previously authorized employees at civic or professional club dinner meetings.
- ➤ All day meal expenses are for an employee who is required to be out-of-town prior to 8:00 a.m. and past 5:00 p.m.
- ➤ Voluntary Gratuities (tips) are not reimbursable, but may be paid from any per diem rate received by the employee.

• •

Employees are reimbursed a fixed rate, calculated on mileage AS SET
BY THE FEDERAL IRS STANDARD BUSINESS RATE, when
utilizing non-City vehicles; therefore, employee is responsible for any
damage incurred to employee and/or their passengers by use of such
vehicle and therefore should be properly insured.

Section 2. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its

committees that resulted in such formal actions were in compliance with all legal requirements, including Section 21.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

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

Section 4. That, this Ordinance shall be time permitted by law.	be in full force and effect at the earliest
Passed:	
	Travis B. Sheaffer, Council President
Approved:	
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Attest:	Abstain
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director of the foregoing Ordinance No. 030-15 was duly publish general circulation in said City, on the day of	ed in the Northwest Signal, a newspaper of f,; & I
further certify the compliance with rules established in Napoleon Ohio and the laws of the State of Ohio perto	
	Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 026-15

A RESOLUTION ADOPTING THE 2016 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 1, 2015 concerning this 2016 Tax Budget.

WHEREAS, the 2016 Tax Budget must be adopted on or before July 15th, 2015, 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 2016 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 2016 Tax Budget.
- Section 2. That, the Finance Director is hereby directed to file the 2016 Tax Budget with the County Auditor on or before July 20, 2015.
- 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:	
	Travis B. Sheaffer, Council President
Approved:	
	Ronald A. Behm, Mayor

VOTE ON PASSAGE	Yea	Nay	Abstain
Attest:			
Gregory J. Heath, Clerk/Fi	inance Dire	ctor	
I, Gregory J. Heath,	Clerk/Finan	ce Director o	of the City of Napoleon, do hereby certify
			blished in the Northwest Signal, a
newspaper of general circula		-	day of established in Chapter 103 of the Codified
	-		te of Ohio pertaining to Public Meetings.
o		.,,,, oj	or of other productions, and other productions, are productions, and other productions, and other productions, and
		Grea	ory I Heath Clerk/Finance Director

20. Special Levy Funds 21. Capital Equipment Fund

28. Ambulance and Emergency Medical Services Fund

Henry County, Ohio Office of NAPOLEON CORP.	July	1	₂₀ 15					
To the County Auditor: City The Council of Said Village hereby s county budget Commission pursuant to	submits its annu Section 5705.3	ial Bud 0 of th	get for the year co e Revised Code.	m	mencing January 1	st	, 20 for cons	ideration of the
			Drogo) A	Age Fiscal Of City	fi	cer	
County Auditor			Fi	n	egory J. Heath ance Director	/(Clerk of Co	ouncil
County Treasurer		_	Cı	ţ	of Napoleon	١,	Ohio	
County Prosecuting Attorney SUMMARY OF AMOUNTS REQU		SENER	Schedule A AL PROPERTY T			== 3L	IDGET COMM	ISSION AND
		'T		T	1		County	Auditor's
ty of Napoleon, Ohio ty Tax Valuation: \$140,680 FUND),550 M ills	con	nount approved by Budget nmission Inside OM Limitation		Amount to be derived from Levies Outside 10 M Limitation		Inside 10 M Limit	
General Fund	2.0	\$	281,361	Ī				
4. Road and Bridge Fund				Ī				
5. Cemetery Fund								
Police District Fund	0.6	\$	84,408]				
10. Fire District Fund	0.3	\$	42,204	1				
11. Road District Fund			,	ļ				
12. Park Levy Fund								
14. Miscellaneous Funds								
15 General Bond Retirement Fu	ınd	1		l				

SCHEDULE B LEVIES OUTSIDE 10 MILL. LIMITATION, EXCLUSIVE OF DEBT LEVIES

LEVIES OUTSIDE 10 MILL. L	INVITATION, EXCESS.	County Auditor's Est. of	
FUND	Max. Rate Authorized to be Levied		
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			
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ORDINANCE NO. 024-15

AN ORDINANCE TO APPROVE CURRENT MARCH 2015 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 March 2015 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

335.072	Driving Under Financial Responsibility Law Suspension or
	Cancelation. (Amended)
335.074	Driving Under License Forfeiture or Child Support
	Suspension. (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.

Travis B. Sheaffer, Council President
Ronald A. Behm, Mayor
Abstain
the City of Napoleon, do hereby certify that the e Northwest Signal, a newspaper of general; & I further certify the Codified Ordinances Of Napoleon Ohio and s.
Gregory J. Heath, Clerk/Finance Director

CITY OF NAPOLEON UTILITY DEPARTMENT

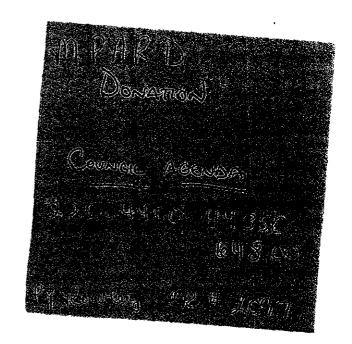
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Date 11 MAY 2015 Time 09:51AM

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City of Napoleon, Ohio

Personnel Committee

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

Meeting Agenda

Monday, May 18, 2015 at 6:00pm

- I. Approval of Minutes (In the Absence of any Objections or Corrections, the Minutes Shall Stand Approved)
- II. Review of Personnel Matters
- III. Executive Session: Employment of Personnel
- IV. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

Personnel Committee

Meeting Minutes

Monday, March 23, 2015 at 7:00pm

PRESENT

Personnel Committee

City Staff

Acting Recorder

Others Absent Travis Sheaffer - Chair, Jason Maassel, Mayor Ronald Behm

Gregory Heath, Finance Director/Clerk of Council

Gregory Heath

Call To Order

Chairperson Sheaffer called the meeting to order at 7:00pm.

Approval of Minutes

The minutes of the February 23 meeting stand approved with no objections

or corrections.

Review Of Personnel Matters

Motion To Go Into Executive Session: Compensation Of

Personnel

Motion: Maassel Second: Behm

To go into Executive Session to discuss compensation of personnel

Passed

Yea-3

Nay- 0

Roll call vote on above motion:

Yea- Sheaffer, Maassel, Behm

Nay-

Into Executive Session

The Committee went into Executive Session at 7:01pm.

Motion To Come Out Of Executive Session Motion: Maassel

Second: Behm

To come out of Executive Session

Passed Yea-3 Nay-0

Roll call vote on above motion: Yea- Sheaffer, Maassel, Behm

Nay-

Out of Executive

Session

The Committee came out of Executive Session at 7:15pm. Sheaffer reported that the Executive Session was held to discuss the compensation of personnel

and no action was taken.

Motion To Adjourn

Motion: Behm

Second: Maassel

To adjourn the meeting at 7:16pm

Passed Yea-3 Nay- 0

Roll call vote on above motion: Yea- Sheaffer, Maassel, Behm

Nay-

Date Approved

Travis Sheaffer, Chair

Personnel Committee 3/23/15

page **1** of **1**

City of Napoleon, Ohio

Tree Commission

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

Meeting Agenda

Monday, May 18, 2015 at 6:00pm

- I. Swearing In of Jim Fitzenreiter
- II. Approval of Minutes (In the absence of any objections or corrections, the minutes shall stand approved.)
- III. Tree Call Report
- IV. Spring Programs
- V. Fall Programs
- VI. Any other matters to come before the Commission
- VII. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio Tree Commission

Meeting Minutes

Monday, April 20, 2015 at 6:00pm

PRESENT

Commission

City Staff Recorder

ABSENT

Members

Call To Order

Approval Of Minutes

Tree Call Report

David Volkman - Chair, Kirk Etzler, Bill Rohrs, Jeffrey Marihugh (arrived at 6:04pm; Marihugh left the meeting at 6:19pm and returned at 6:24pm)

Marty Crossland Tammy Fein

Anella Huff

Chairman Volkman called the meeting to order at 6:02pm.

corrections.

Crossland distributed the recent Service Requests list; see attached. Crossland reported that tree calls not added on the list include:

1021 North Perry Street has a large maple in front of the house near the driveway that is pushing up the sidewalks; Crossland does not believe this tree should be replaced;

Minutes from February 16 stand approved as presented with no objections or

1058 Dodd Street – the resident would like the tree removed to put in a stone driveway; however this property is under a land contract requiring approval from both parties;

501 Fillmore Street has a large Silver Maple on the City right-of-way near the water tower that is close to the power lines to be removed with no replacement; and

Volkman received a request from the resident at 914 Haley Avenue to have a Chinese Elm removed from the property that is in the power lines; Crossland had discussed this with the owner before the construction project on that area, however it was not removed at that time; Crossland will research this.

Spring Programs

Crossland reported that two (2) trees still need to be planted at Oakwood Park as replacements; the removals should occur tomorrow. Crossland reported that all other plantings are done and the topsoil contract with North Branch Nursery is complete.

Crossland reported that removals will begin sometime this week and should be completed by May 9, 2015.

Arbor Day Observation

Crossland reported that the Arbor Day Celebration is Friday, April 24th at 1:00pm at East Riverdowns Park. Etzler will supply a tent in case of rain.

Any Other Matters To Come Before The Commission Volkman stated that the Awards banquet is a Wednesday, April 29th; Volkman will report out at the next Tree Commission meeting.

Volkman introduced Jim Fitzenreiter as a returning member to the Tree

Tree Commission 4/20/15

page **1** of **2**

Commission, to be appointed by Mayor Behm at tonight's Council meeting.

Motion To Adjourn Motion: Marihugh Second: Rohrs

To adjourn the meeting at 6:24pm.

Passed Roll call vote on above motion:

Yea- 4 Yea- Rohrs, Etzler, Marihugh, Volkman

Nay- 0

Approval Date:

David Volkman, Chair

Memorandum

To: Parks & Recreation Committee, Council, Mayor, City Manager,

City Law Director, City Finance Director, Department Supervisors,

Media

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

Date: 5/14/2015

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, May 18 at 6:15pm has been CANCELED due to lack of agenda items.

May 8, 2015

AMP counsel testifies before Senate on USEPA's proposed 111(d) rule

By Jolene Thompson – senior vice president & OMEA executive director

AMP's federal environmental counsel Roger Martella Jr., a partner with Sidley Austin, testified before the Senate Committee on Environment and Public Works (EPW) on May 5 regarding the legalities of the U.S. Environmental Protection Agency's (USEPA) Greenhouse Gas Existing Source Performance Standard for Electric Generating Units (ESPS).

Also known as the 111(d) rule, these guidelines from USEPA propose to regulate CO2 emissions from existing electric generating units. This rule would impact existing owned coal and natural gas generation, as well as wholesale electric markets.

Sen. Shelley Moore Capito (R-WV) chaired the EPW Clean Air and Nuclear Safety Subcommittee in Washington. The hearing, "Legal Implications of the Clean Power Plan," examined the legal issues surrounding USEPA's carbon regulations. Attorneys general from AMP member states West Virginia and Maryland also testified.

Martella addressed three key concerns in his opening remarks:

- Whether the reviewing courts are likely to undo the ESPS
- How courts might address the precedent-setting legal concerns the rule raises
- When courts might take action

USPEA's final rule on 111(d) is expected this summer.

Martella's full testimony, which provides a comprehensive analysis of the legal vulnerabilities with the USEPA's rule, is available on the Member Extranet section of the AMP website.

New Tesla product could play role in energy industry

By David Deal – director of energy policy & sustainability

Tesla, the company best known for its luxury electric vehicle, announced a new product line focused on energy storage last week. Tesla Energy has developed a line of battery products for residential, commercial and utility scale clients.

The "Powerwall" is a rechargeable lithium-ion battery designed at 7 kilowatt-hours (kWh) and 10 kWh capacities with an installer price of \$3,000-\$3,500. It has been designed to accommodate installation of multiple units should potential customers want greater reserves. In keeping with the trend toward customer-sited generation, the initial target markets will be residential solar installations where current electricity rates are higher, primarily in the northeast and southwest United States.

See TESLA Page 2

Energy markets relatively flat

By Ryan Thompson – power supply planning engineer

Natural gas storage levels came in higher than the market expected this week. The stock of natural gas in storage continues to increase as the injections for the week were 1 billion cubic feet (Bcf) above 2014 and 8 Bcf larger than the five-year average.

June natural gas prices finished trading yesterday at \$2.73/MMBtu, which is down \$0.02/MMBtu from last week. 2016 on-peak power prices at AD Hub closed up \$0.18/MWh from last week, finishing yesterday at \$42.36/MWh.

AFEC weekly update

By Ryan Thompson

AFEC saw a week of very steady operation. The plant was online all week and generated at base maximum levels during most on-peak hours. Overnight hours saw the plant near base minimum levels.

The plant had four hours of duct burner use this week and ended the past seven days with a 70 percent load factor (based on 675 MW)

2015 OMEA Legislative Day & Mayors' Reception

The 2015 OMEA Legislative Day & Mayors' Reception is less than two weeks away – May 19 at the Vern Riffe Center in Columbus. The issues briefing will be held from 2 to 5 p.m., with the reception for lawmakers to follow from 5 to 7 p.m. Registration materials are available on the Member Extranet section of the AMP website.

Please contact Jodi Allalen, government affairs coordinator, at <u>jallalen@amppartners.org</u> or 614.540.0916 with questions or for more information.

While this development promises to play a role in the continued evolution of the grid, it is important to note that the near-term economics of the systems, especially when paired with solar systems, are not likely to provide electricity at regionally competitive rates. Initial estimates suggest that the battery system will be able to provide electricity at 15 to 20 cents per kWh.

Tesla will also be providing battery storage options for commercial- and utility-scale customers known as the "Powerpack." Amazon and Target have been identified as two early commercial partners. The utility scale battery design uses 100 kWh battery blocks grouped from a scale of 500 kWh to 10 MWh and IS capable of two- or four-hour continuous net discharge power using grid-tied bi-directional inverters. The Powerpack will be offered to utilities at \$250/kWh battery, according to Tesla CEO Elon Musk.

The Tesla announcement has drawn much attention, being lauded as the next big disruption in the market. While some of the excitement associated with this announcement is likely to give way to the challenges and economics associated with deployment, energy storage options and the emerging market is an area that AMP and the American Public Power Association are monitoring closely.

PMEA Legislative Reception

The Pennsylvania Municipal Electric Association (PMEA) will hold a Legislative Reception event on June 2 at the Harrisburg Hilton, 1 N. Second St. in Harrisburg, Pennsylvania.



PMEA members will have the opportunity to hear an update on statehouse issues and meet with lawmakers at the reception.

For more information, contact David Woglom, PMEA executive director, at woglomd@lafayette.edu or 610.330.5856.

APRIL OPERATIONS STATISTICS

JV6 Wind Output	April 2015 31%	April 2014 30%
Belleville Output	40%	83%
Fremont Energy Center Output	28%	54%
Blue Creek Wind Output	38%	42%
Napoleon Solar Output	15%	22%
Prairie State Output	52%	44%
Avg. A/D Hub On-Peak Rate	\$32/MWh	\$45/MWh

- *Fremont capacity factor based on 675 MW rating
- *Solar capacity factor based on 3.54 MW rating
- *PS capacity factor based on 1,582 MW rating
- *Prairie State Unit 1 and AFEC had planned outages in April

On Peak	(16 hour)	prices into	AEP/Daytor	1 Hub
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	•	<i>/</i> 1	,	<i>,</i>	
Week end	ling May 8				
MON \$44.56	TUE \$40.71	WED \$41.64	THU \$42.16	FRI \$51.75	
Week end	ling May 1				
MON \$39.52	TUE \$33.65	WED \$32.18	THU \$29.76	FRI \$29.42	
AEP/Dayton 2016 5x16 price as of May 8 — \$42.36 AEP/Dayton 2016 5x16 price as of May 1 — \$42.18					

AMP member communities recognized at OEP's Youth **Energy Celebration**

By Karen Ritchey – manager of communication programs

The annual Ohio Energy Project (OEP) Youth Energy Celebration was held on May 7 at the Fawcett Center at the Ohio State University. The following teachers and schools in AMP member communities were recognized for their outstanding achievements in energy education for the 2014-15 school year:

IACKSON

- Jackson High School Second Place in the Senior Division
- Jackson High School Teacher Stephen Cochran received the Eagle Award

SEVILLE

Cloverleaf Middle School - Teacher BJ Carson was named Columbia Gas of Ohio e3 Smart Teacher of the Year

WESTERVILLE

- Genoa Middle School Second Place in the Junior Division
- Hanby Elementary School Third Place in the Elementary Division
- Heritage Middle School First Place in the Junior Division
- Westerville Central High School Received a Participant Award
- Westerville Energy Education Partnership (City of Westerville Electric Division and Westerville City Schools working with OEP) - Received the Outstanding District Award and NEED National District of the Year

OEP provides energy education programs and materials to schools utilizing innovative, hands-on techniques that follow Ohio Department of Education requirements. OEP's mission is to facilitate students' and teachers' understanding of the science of energy and its efficient use in order to empower the next generation of energy consumers. Several AMP member communities participate in OEP programs. If you would like more information about the programs, please contact me at kritchey@amppartners.org or 614.540.0933.

Finance & Accounting Subcommittee Meeting covers issues regarding financial soundness

By Joe Regan – member credit compliance analyst

The City of Oberlin hosted members from several AMP communities on May 7 for an AMP Finance & Accounting Subcommittee meeting.

Dawn Lund, vice president of Utility Financial Solutions, started the meeting with a discussion on performing a financial checkup for utilities. Lund covered a variety of financial topics and best practices intended to provide a total picture of the overall condition of a utility.

Lund was followed by Jim Moore, principal of Kensington Capital Advisors and AMP's derivative advisor, who provided a primer on hedging bond financings. Specifically, Moore discussed how hedging is an important tool used to maximize savings for AMP project participants.

Moore was followed by Alice Wolfe, AMP assistant vice president of power supply planning and alternative generation, who provided a discussion on AMP peaking projects. Specifically, Wolfe discussed the AMP Solar Phase II and BTM Gas projects and how they can be used to help AMP members with peaking needs.

Tom Wilson, partner with Dinsmore & Shohl, continued after lunch and provided a discussion on economic development bonds and community improvement corporations. Wilson discussed how economic development bonds and community improvement corporations can be used as tools to benefit Ohio communities and their economies.

Matt Stuczynski, with Provident Financial Advisor, followed Wilson and covered regulatory changes impacting the municipal securities market. Specifically, Stuczynski discussed the impact of recent changes in the SEC Municipal Advisor rules and what should be expected when a member is considering utilizing a municipal advisor.

I finished out the day with a discussion on the AMP credit scoring program. Specifically, I covered the program and provided insight on a few things AMP members can do to strengthen their credit scores. Additionally, I discussed how rating agencies use the AMP credit scoring program by providing examples of recent rating agency releases that mention the AMP credit scoring program in their reviews.

The next Finance & Accounting Subcommittee meeting will be held June 4 in Salem, Virginia. All interested parties from municipalities are welcome to attend. Please RSVP to either me at jregan2@ amppartners.org or 614.540.6913, or Chris Deeter at cdeeter@amppartners.org or 614.540.0848.

Poddany joins marketing team

By Harry Phillips – director of marketing/member relations

Brandon Poddany started a new role at AMP this week as the manager of marketing/member relations. Poddany has been with AMP since 2013 as a power supply engineer, and will now assist the marketing team in its efforts to help our members and their elected officials.



Brandon Poddany

Poddany will perform regular visits to member communities to facilitate relationships and joint action. He holds a bachelor's degree from the University of Toledo and a master's degree in business administration from Capital University.

Please join me in welcoming Brandon to the AMP marketing group.

Calendar

May 15-16—APPA E&O Conference/Rodeo Sacramento, California

May 19—OMEA Legislative Day and Mayors' Reception Vern Riffe Center, Columbus

June 1-5—AMP Lineworker Basic 1 class AMP Headquarters, Columbus

June 2—PMEA Legislative Reception Harrisburg Hilton, Harrisburg, Pennsylvania

June 4—AMP Finance & Accounting Subcommittee meeting Salem, Virginia

June 5-10—APPA National Conference Minneapolis, Minnesota

June 15-19—AMP Lineworker Intermediate class AMP Headquarters, Columbus

July 7-9—AMP Hotline Training class AMP Headquarters, Columbus

July 23—AMP Finance & Accounting Subcommittee meeting AMP Headquarters, Columbus

Aug. 29—AMP Lineworkers Rodeo AMP Headquarters, Columbus

Aug. 31-Sept. 4—AMP Lineworker Basic 2 class AMP Headquarters, Columbus

Sept. 28-Oct. 1—AMP/OMEA Conference Hilton Columbus at Easton



News or Ads?

Call Krista Selvage at 614.540.6407 or email to kbselvage@amppartners.org if you would like to pass along news or ads.

4

Lucas receives scholarship in honor of the late Juergens

Pam Lucas, Montpelier village manager and secretary of the AMP Board of Trustees, was named the 2015 recipient of the Jane Juergens Memorial Scholarship by the Women on Fire organization.

The scholarship is named in dedication of the late Jane Juergens, a longtime AMP employee, who had mentored Lucas prior to her tragic death in October 2013. Lucas will use the scholarship to attend a two-day Women on Fire retreat in Chicago.

Pictured with Lucas (center) are Debbie Phillips (left), Women on Fire founder, and Laura Ludwig Tiberi, executive director of the American College of Emergency Physicians Ohio Chapter and the chair of the Jane Juergens Scholarship Fund at Women on Fire.



Classifieds

Oberlin seeks candidates for lineworker position

The Oberlin Municipal Light and Power System (OMLPS) is accepting applications for the position of fulltime Lineman "B" in the Electric Distribution Division. The Lineman "B" will assist the Journeyman Lineman in the operation, maintenance and routine construction of the electric distribution system. Minimum qualifications: High school diploma or equivalent; valid Ohio driver's license; Class "A" Commercial Driver's License within one year of hire; apprentice lineworker training program certificate, or current enrollment in an Apprentice Line Worker Training Program; and the ability to obtain certification within three years, or ability to complete a threeyear Apprentice Line Worker Training Program (provided through the City upon hire) that includes the passage of a physical abilities test and an aptitude test during the first three weeks of training; one year experience as an apprentice line worker preferred, but not required.

Hourly Salary Range: \$18.05 - \$22.56/hour D.O.Q. Applications are available at www.cityofoberlin.com and at Oberlin City Hall, 85 S. Main Street, Oberlin, Ohio 44074. Applications should be returned via email to <a href="h

Danville seeks strong leader for Power and Light Division

If you are looking for a great place to live, work, play and raise a family, you would be hard pressed to find a better home than Danville, Virginia. Located along the North Carolina border in south-central Virginia, the city is but a

day's drive to almost two-thirds of the nation's population. It is very affordable with a low cost of living. It also offers good schools and a low crime rate.

Danville's electric utility serves over 40,000 customers, both in the city and the nearby counties. Over all, its service territory covers approximately 500 square miles. The system generates 5 percent of its power from two dams and purchases the remainder from American Municipal Power Inc.

The city is seeking a strong leader and manager to guide the Power and Light Division into the future. The individual will have a high degree of integrity and believe in participatory management. At the same time, the individual will have high standards and hold the staff accountable for results. A P.E. is not necessary but is a plus.

More details can be found at www.cb-asso.com under "Executive Search/Active Recruitments." The current salary range is \$79,356 to \$124,589. Email your resume to Recruit33@cb-asso.com by May 22. Submissions by regular mail or facsimile will not be considered. Questions should be directed to Rick Conner at 941.896.7001 or Colin Baenziger at 561.707.3537.

Columbus Department of Utilities has two engineer openings

The City of Columbus Department of Public Utilities is seeking qualified candidates for the following positions.

Engineer II – This position is responsible for performing professional electrical engineering work such as planning, designing, and reviewing improvement projects and working with distribution management and utility company dispatchers on transmission outages. To qualify you must have a valid State of Ohio certificate as a registered Professional Engineering experience. Substitution: Possession of a valid State of Ohio certificate as a registered Professional Engineering experience.

CLASSIFIEDS continued from Page 4

neer and five years of practical engineering experience. Must possess a valid driver's license. Salary \$62,691 - \$93,995.

Engineer-In-Training II – This position is responsible for performing practical engineering work under the supervision of a Professional Engineer and will also be responsible for working towards earning a Professional Engineering certificate. Other duties include: reviewing plans and designs, managing the procurement of contractors and design professionals, and preparing proposals, specifications, and cost estimates. To qualify, candidates must have a valid Engineer Intern certificate and two years of experience as an Engineer-In-Training I with the City of Columbus or equivalent experience. Must possess a valid driver's license. Salary \$49,940 - \$74,942.

Those interested should submit applications to the Civil Service Commission by applying online at www.csc.columbus.gov by May 11, 2015, for Engineer-In-Training II; and May 20, 2015 for Engineer II. Please attach a resume to application. If you prefer to mail in a paper application, please mail it to Nikole Pettus, 910 Dublin Road, Columbus, Ohio 43215.

Pre-employment medical/drug screen and background investigation required if selected. EOE. Applicants may inspect and acquire a copy of the City of Columbus, Department of Public Utilities EEO Plan by visiting the DPU website at http://utilities.columbus.gov/.

AMP accepts applications for open positions

American Municipal Power, Inc. (AMP) is seeking applicants for the following positions. For complete job descriptions, please visit the "careers" section of the <u>AMP website</u> or email to Teri Tucker at ttucker@amppartners.org.

Power Supply Planning Engineer I – The position will assist in resource portfolio planning and market analysis for AMP member municipal electric systems. This includes presentations of power supply positions and strategies to internal staff and members. Candidates must have a four-year degree in engineering, business or economics. Prior work experience in operations/engineering with an electric utility, utility consultant, or major electric supplier is preferred, but not required.

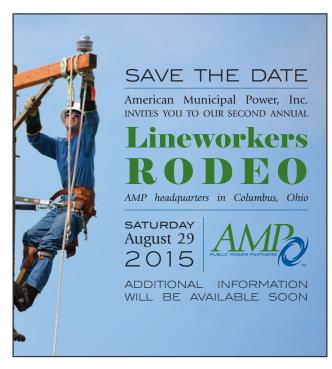
Cannelton Plant Operator I – This position functions as a control room operator and assists with the responsibilities associated with starting and stopping units, coordinating unit discharge rates, monitoring and maintaining upstream pool in cooperation with the Army Corps of Engineers, records and reports operating information such as hourly readings of distribution metering, unit blade positions, unit temperatures, and dissolved oxygen monitoring equipment. Candidates must have a two- or four-year degree in mechanical or electrical engineering; or engineering technology degree and two years of experience in plant operations; or three to five years of experience in power plant operations and/or maintenance. Welding certification is a plus.

Position open in Bradner

The Village of Bradner is accepting applications for an electrical lineworker. Candidates must possess a high school diploma, five years of general electrical utilities experience, distribution lines, and substations, as well as the ability to respond to necessary field work on a daily and emergency basis.

Water and waste water experience is preferred, but not necessary. Candidate must be willing to obtain these licenses if not currently held. A valid driver's license is required. A Class A CDL with air brake endorsement is required or must be obtained within six months of hire. This position will report to the Utility Superintendent. Salary commensurate with experience plus an excellent benefit package.

Application and complete job description can be obtained at the village offices, located at 130 N. Main St., Bradner, OH 43406 or by contacting the fiscal officer at 419.288.2890. The Village of Bradner is an Equal Opportunity Employer.



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May 15, 2015

AMP leads coalition to increase profile on PJM's Capacity Performance proposal

By Jolene Thompson – senior vice president & OMEA executive director

AMP, the Ohio Municipal Electric Association, Delaware Municipal Electric Corporation, Pennsylvania Municipal Electric Association and Blue Ridge Power Agency joined with a number of like-minded interests to raise concerns about PJM's Capacity Performance proposal, which is neither practical nor cost-effective. The coalition, made up of representatives of residential, commercial and industrial customers, brought the concerns we share to congressional lawmakers in PJM footprint states via a joint signature letter delivered to 165 offices earlier this week.

Also signing the letter were: Delaware Division of the Public Advocate, Illinois Citizens Utility Board, Office of the People's Counsel for the District of Columbia, Old Dominion Electric Cooperative, PJM Industrial Customer Coalition (comprising 28 large electricity-consuming companies in various, manufacturing and institutional sectors, which have facilities throughout the PJM Region), Public Power Association of New Jersey, Public Service Commission of West Virginia, and Southern Maryland Electric Cooperative.

We do not believe the concerns with PJM are being addressed in a timely or adequate manner and want to get congressional lawmakers more engaged. As such, this coalition has joined to try to raise the profile of these issues. We all share the goal of wanting to ensure system reliability, but disagree with the approach being taken by PJM. Our request is that Congress encourage the Federal Energy Regulatory Commission (FERC) to reject or suspend PJM's Capacity Performance proposal and urge FERC to direct PJM stakeholders to evaluate whether less-intrusive changes to PJM's market rules are necessary.

In addition to all congressional lawmakers in PJM footprint states, the letter is also being distributed to some media outlets specializing in energy issues at the congressional level. A copy of the letter is posted on the AMP website here. If you have any questions or need additional information, please contact me at ithompson@amppartners.org or 614.540.1111.

D.C. Circuit Court: USEPA acted arbitrarily and capriciously

By Lisa McAlister – deputy general counsel and Cody Dill – manager of environmental affairs

As we recently reported in Update, on May 1, 2015, the D.C. Circuit Court issued an order that may impact the ability of backup generators to operate without adequate emissions controls. Specifically, the court held, in <u>DE Department of Natural Res. v. EPA</u>, that the U.S. Environmental Protection Agency (USEPA) acted "arbitrarily and capriciously" when it modified the <u>National Emissions Standards for Hazardous Air Pollutants (NESHAP) and the New</u>

Markets higher due to uncertainties

By Craig Kleinhenz – manager of power supply planning

Natural gas storage levels came in close to expectations this week. The stock of natural gas in storage continues to increase faster than normal as stocks are now only 2 percent below the five-year average (compared to 4 percent two weeks ago). This was not enough to satisfy the market as uncertainties over generator maintenance outages, coal retirements and the upcoming summer sent prices higher.

June natural gas prices finished trading yesterday at \$3.01/MMBtu, which is up \$0.28/MMBtu from last week. Next year power prices were less affected by this week's natural gas rally. 2016 on-peak power prices at AD Hub closed up \$0.13/MWh from last week, finishing yesterday at \$42.49/MWh.

AFEC weekly update

By Craig Kleinhenz

AFEC had a fairly consistent production run this week as it was online for the entire week. The plant was dispatched to maximum base generation levels during most on-peak hours and minimum generation levels during most off-peak hours.

Duct burners were used 14 hours this week, mostly during the evening peaks last Saturday through Monday (due to weather in the upper 80s). The plant ended the past seven days with a 70 percent load factor (based on 675 MW).

See Page 3 for latest hydro updates

Source Performance Standards (NSPS) under the Clean Air Act (CAA) in 2013 to allow commercial backup generators to operate without emissions controls for up to 100 hours per year as part of an emergency demand-response program (the 100-hour limit includes not only time run in response to a demand response emergency, but also all "non-emergency" operation, which includes all hours operated for maintenance and testing, as well as local system reliability issues). The hours limit for demand response was raised to 100 hours from 15 hours in a 2013 EPA rulemaking.

USEPA said that the rule was necessary to allow demand response programs to succeed while maintaining grid reliability. However, Delaware, along with other advocacy groups and power suppliers argued that by encouraging greater use of uncontrolled backup generators, USEPA's rule makes other generation less economic, thus creating a negative feedback loop, with less power generated by controlled units, resulting in greater need for uncontrolled backup generators.

The court found that the USEPA failed to respond to: (i) public comment concerns that the rule undermined the reliability of the power grid and increased pollution, (ii) comments that its proposed 100-hour limit was based on faulty evidence, and (iii) comments suggesting a regionalized approach to respond to generation capacity variations. Finally, although USEPA justified the rule on reliability grounds, the court stated that "grid reliability is not a subject of the Clean Air Act and is not the province of EPA."

The court's ruling is not effective immediately. USEPA and the other parties now have 45 days to take one or more of several actions: 1) They could seek a rehearing of the court's decision. 2) They could file a motion to delay the issuance of the court's mandate demonstrating that vacating the 100hour exemption will create hardship. 3) USEPA could voluntarily take the rule back in order to go back to the drawing board and issue a new or interim rule but providing more robust support for its action. If no action is taken within the 45-day window, the court will issue its mandate 7 days later, which will vacate the effectiveness of allowing demand response within the 100-hour exemption. However, if the parties seek rehearing or one of the other actions described above, the court will withhold issuing the mandate until it acts on the rehearing requests or motions. This essentially means that the existing rule should remain in place for at least 45 days from May 1, and an additional period of time beyond that for the court to rule on any request for rehearing or motion to stay.

Most parties involved, including the USEPA and the court, seem to understand how disruptive this ruling could be since it could negatively impact resources that have already cleared in PJM's capacity market. Specifically, AMP, and perhaps member-owned units that were converted to emergency generators in 2013 [and now operate under Ohio's Permit-by-Rule (PBR) provisions and have since been used for emergency demand response, may be at risk. Accordingly, AMP has been working with APPA, NREC and PJM, among others, on steps going forward to mitigate the risk. We will keep you apprised of any information regarding this matter as it becomes available.

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

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Week end	ling May 15					
MON \$67.56	TUE \$42.09	WED \$36.51	THU \$37.86	FRI \$43.13		
Week end	ling May 8					
MON \$44.56	TUE \$40.71	WED \$41.64	THU \$42.16	FRI \$51.75		
AEP/Dayton 2016 5x16 price as of May 15 — \$42.49 AEP/Dayton 2016 5x16 price as of May 8 — \$42.36						

Zelienople celebrates 175 years

The Borough of Zelienople is celebrating its 175th anniversary this May. Festivities commemorating the milestone will take place May 26-30 and include a parade, community picnic, dinners, concerts, fireworks and more.



Incorporated in 1840, Zelienople offers the quiet lifestyle of a small rural town along with a vibrant commerce center along its Main Street.

The borough serves as a transportation hub where several major state routes converge, which also allows easy access to Pittsburgh and Erie.

For more information and a schedule of the anniversary festivities, please visit http://zelie175.weebly.com/.

DEED grant cycle opens June 1

By Michelle Palmer, PE – assistant vice president of technical services

The fall funding cycle for the American Public Power Association's (APPA) Demonstration of Energy & Efficiency Developments (DEED) utility cycle will open on June 1. Grants, up to \$125,000, are designed to fund innovative utility projects that increase efficiency, reduce costs, investigate new technologies, offer new services, or improve processes and practices to better serve customers. Applications will be accepted until Aug. 15.

AMP pays for its members to be a DEED participant through APPA membership and will assist utilities in the grant application process. AMP and a number of its members have received grants in previous years.

If you need AMP's assistance in compiling your application for DEED, please contact me at 614.540.0924 or mpalmer@amppartners.org, or Alice Wolfe at 614.540.6389 or awolfe@amppartners.org. For additional program information, email to DEED@PublicPower.org or visit the DEED section of APPA's website.



News or Ads?

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Startup of three hydroelectric projects is drawing closer

By Phil Meier - vice president of hydroelectric development & operations

AMP operations staff has been gearing up to support the startup and commissioning effort at the Cannelton, Meldahl and Willow Island plants by providing training of operation new hires as well as assisting in the commissioning of individual plant systems.

Cannelton

Recent activity at the Cannelton site included completion of the installation of the Unit 2 generator access shaft, doweling for the combined bearing and completing the installation of the stay beams. On Unit 1, the rounding of the stator was completed and air gaps set. On Unit 3, work continued on the maintenance seal and the oil tank was filled with clean oil and circulated.





Smithland

At Smithland, construction activities continued with the placing of concrete around the bulb turbine housing, land side and riverside entrance buildings and fascia walls for the closure structures. Additionally, painting continued on many of the interior walls and the HVAC system was installed.

Meldahl

At Meldahl, work continued on the installation of the Unit 1 discharge ring and alignment of the tip clearance with the runner blades. Work also involved alignment of the Unit 3 discharge ring and wicket gate servomotors. Work was continuing on the cooling water piping and oil systems as well. The City of Hamilton has its operational staff assisting throughout the plant.



The Willow Island intake.

Willow Island

At Willow Island, the contractor continued with the cofferdam removal and placement of sand over the recreation area. Painting continued throughout the powerhouse and dredging of the channels is expected to start again on the upstream channel. The fire pumps have been tested and passed, and work continued with the installation of the bearing oil piping.

AMP employees volunteer as donors to benefit Red Cross

Staff and friends at AMP headquarters helped save lives through an AMP blood drive to benefit the American Red Cross last week. The drive produced 27 productive units – exceeding the Red Cross' goal for AMP's event. About 44,000 pints of blood are needed in the U.S. every day. Please visit www.redcrossblood.org for more information.





Cody Ward (left), power supply planning engineer, and Lisa McAlister, deputy general counsel, volunteer as donors for AMP's blood drive on May 8.

Classifieds

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ability to complete a three-year Apprentice Line Worker Training Program (provided through the City upon hire) that includes the passage of a physical abilities test and an aptitude test during the first three weeks of training; one year experience as an apprentice line worker preferred, but not required.

Hourly Salary Range: \$18.05 - \$22.56/hour D.O.Q. Applications are available at www.cityofoberlin.com and at Oberlin City Hall, 85 S. Main St., Oberlin, Ohio 44074. Applications should be returned via email to https://doi.org/10.10/html hr@cityofoberlin.com or mailed to: City of Oberlin Human Resources Department, Oberlin City Hall, 85 S. Main Street, Oberlin, Ohio 44074. Applications must be received by 4:30 p.m. May 26, 2015. The City of Oberlin is a drug-free workplace and an Equal Employment Opportunity employer.

Danville seeks strong leader for Power and Light Division

If you are looking for a great place to live, work, play and raise a family, you would be hard pressed to find a better home than Danville, Virginia. Located along the North Carolina border in south-central Virginia, the city is but a day's drive to almost two-thirds of the nation's population. It is very affordable with a low cost of living. It also offers good schools and a low crime rate.

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CLASSIFIEDS continued from Page 4

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Columbus Department of Utilities has opening for engineers

The City of Columbus Department of Public Utilities is seeking qualified candidates for the following positions.

Engineer I – This position is responsible for acting as the Engineer-In-Charge of the design and construction of entry-level professional engineering work for capital improvement projects. To qualify, candidates must have a valid State of Ohio certificate as a registered Professional Engineer and must possess a valid driver's license. Electrical Engineering degree preferred. Salary \$55,972 - \$83,948.

Engineer II – This position is responsible for performing professional electrical engineering work such as planning, designing, and reviewing improvement projects and working with distribution management and utility company dispatchers on transmission outages. To qualify you must have a valid State of Ohio certificate as a registered Professional Engineer and one year of professional engineering experience. Substitution: Possession of a valid State of Ohio certificate as a registered Professional Engineer and five years of practical engineering experience. Must possess a valid driver's license. Salary \$62,691 - \$93,995.

Those interested should submit applications to the Civil Service Commission by applying online at www.csc.columbus.gov by May 20, 2015, for Engineer II and May 27, 2015, for Engineer I. Please attach a resume to application. If you prefer to mail in a paper application, please mail it to Nikole Pettus, 910 Dublin Road, Columbus, Ohio 43215.

Pre-employment medical/drug screen and background investigation required if selected. EOE. Applicants may inspect and acquire a copy of the City of Columbus, Department of Public Utilities EEO Plan by visiting the DPU website at http://utilities.columbus.gov/.

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presentations of power supply positions and strategies to internal staff and members. Candidates must have a four-year degree in engineering, business or economics. Prior work experience in operations/engineering with an electric utility, utility consultant, or major electric supplier is preferred, but not required.

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City of Bowling Green seeks recreation coordinator

The City of Bowling Green is seeking a Recreation Coordinator (Pay Band 4: \$47,590 - \$60,000). This salaried, exempt position is responsible for providing recreational leisure programming and opportunities. Creates/implements/evaluates/markets/supervises recreational programs and special events; trains, schedules and supervises staff; solicits sponsorships and assists with writing grants and seeking private support; communicates with other city staff; attends meetings and serves on committees and boards.

Four-year college degree in a recreation-related field required (education beyond undergraduate degree desired); must be licensed as a Certified Park and Recreation Professional; three to five years relevant experience; valid Ohio Driver's License. The city's employment application is located online at http://www.bgohio.org/departments/personnel-department/employment-opportunities.

Applicant packets are also available in the Personnel Dept., 304 N Church St., Bowling Green, OH 43402. Resumés may be included, but will not substitute for a completed application. Résumés alone are unacceptable. Copies of the complete job description will be provided. Personnel Dept.: 419.354.6200. Email: BGPersonnel@bgohio.org; www.bgohio.org. Deadline for making application is 4:30 p.m. June 1, 2015. AA/EEO

American Municipal Power, Inc.

1111 Schrock Road ● Suite 100 Columbus, Ohio 43229 614.540.1111 ● FAX 614.540.1113 www.amppartners.org

