Memorandum

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

Subject: General Information

Date: May 29, 2015

CALENDAR

AGENDA: **Personnel Committee** – Monday, June 1st @ 6:00 pm

AGENDA: **Public Hearing** – Monday, June 1st @6:55 pm

AGENDA: City Council - Monday, June 1 @7:00 pm

C. APPROVAL OF MINUTES – meeting minutes attached for:

- a) May 11, 2015 Special Council Meeting; and
- b) May 18, 2015 Regular Council Meeting

G. Introduction of New Ordinances And Resolutions

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE No. 029-15 an Ordinance Amending Various Section of the Rules and Regulations of City Council for the City of Napoleon
- 2. 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

I. THIRD READINGS OF ORDINANCES AND RESOLUTION

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.

J. GOOD OF THE CITY (Discussion/Action)

Memorandums from Chad are enclosed for each of the following projects:

- 1. Award of the 2015 Miscellaneous Street Improvements Project
- 2. Award of 2015 Street Striping Project
- 3. Approval of Specifications and Documentation for Replacement Vehicle (Pickup Truck) for the Operations Supt. a copy of the specifications are on file with the Finance Director/Record Clerk.

<u>INFORMATIONAL ITEMS</u>

- 1. CANCELLATION Technology Committee Meeting
- 2. AMP WEEKLY UPDATE/May 22, 2015
- 3. OML Legislative Bulletin/May 22, 2015

MI:rd

Records Retention - CM-11 - 2 Years

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Calendar

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Sunday 31	Monday 1	Tuesday 2	Wednesday 3	Thursday 4	Friday 5	Saturday 6
31	6:00 PM Personnel Committee		3	4	7:00 PM Rally in the Alley	0
	Mtg.				7.00 I W Rany in the Ancy	
	6:55 PM 2016 Tax Budget					
	Public Hearing 7:00 PM City COUNCIL					
	Meeting					
7	8	9	10	11	12	13
		4:30 PM Board of Zoning				
		Appeals Meeting				
		5:00 PM Planning Commission				
14	15	16	17	18	19	20
	6:00 PM ELECTRIC		.,			
	Committee					
	Board of Public Affairs (BOPA) Mtg.					
	7:00 PM CITY COUNCIL					
	Meeting in Joint Session with Water/Sewer Committee					
	Water/Sewer Committee					
21	22	23	24	25	26	
	6:30 PM FINANCE &			25	/n	27
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	BUDGET Committee Meeting		6:30 PM Parks & Rec Board Meeting	25	6:00 PM Henry County RIBFEST	27
	BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN		6:30 PM Parks & Rec Board	25		27
	BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		6:30 PM Parks & Rec Board	25		27
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Personnel Committee

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

Meeting Agenda

Monday, June 1, 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 Council

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

Public Hearing Agenda

Monday, June 1, 2015 at 6:55pm

- I. Public Hearing:
 To review the proposed 2016 Tax Budget and Inside Ten (10) Mill Levy
 Rates allocated to the City
- II. Any other items that may properly come before Council
- III. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

City Council

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

Meeting Agenda

Monday, June 1, 2015 at 7:00pm

- **A. Attendance** (*Noted by the Clerk*)
- B. Prayer & Pledge of Allegiance
- **C. Approval of Minutes:** (In the absence of any objections or corrections, the minutes shall stand approved.)
 - 1. May 11 Special Meeting
 - 2. May 18 Regular Meeting
- **D.** Citizen Communication
- E. Reports from Council Committees
 - 1. Technology & Communication Committee did not meet tonight due to lack of agenda items.
 - **2. Personnel Committee** met on Thursday, May 28, Friday, May 29, and tonight with the following agenda items:
 - a. Review of Personnel Matters
 - 3. Finance & Budget Committee did not meet on Tuesday, May 26 due to lack of agenda items.
 - 4. Safety & Human Resources Committee did not meet on Tuesday, May 26 due to lack of agenda items.
- F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Civil Service Commission met on Tuesday, May 27 with the following agenda items:
 - a. Approval of Eligible Applicant Lists for Firefighter/Paramedic and Police Officer
 - **b.** Approval of Eligible Credits
 - 2. Parks & Recreation Board met on Wednesday, May 28 with the following agenda items:
 - a. Fourth of July Celebration Activities
- G. Introduction of New Ordinances and Resolutions
 - 1. Resolution No. 031-15, a Resolution of Necessity regarding Roundhouse Road
- H. Second Readings of Ordinances and Resolutions
 - 1. Ordinance No. 029-15, an Ordinance amending various sections of the Rules and Regulations of City Council for the City of Napoleon
 - **2. 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
- I. Third 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
- J. Good of the City Any other business as may properly come before Council, including but not limited to:
 - 1. Discussion/Action: Award of 2015 Miscellaneous Street Improvements Project
 - 2. Discussion/Action: Award of 2015 Street Striping Project
 - **3. Discussion/Action:** Approval of Plans, Specifications, Documentation and Contracts for new truck for the Operations Department
- **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, July 6 @ 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 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: Monday, June 22 @ 6:30 pm)

a. Second Quarter Budget Adjustments

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

(Next Meeting: Monday, June 22 @ 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, June 23 @ 4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, June 24 @ 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, June 9 @ 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

in Joint Session with

Water, Sewer, Refuse, Recycling & Litter Committee

Meeting Minutes

Monday, May 11, 2015 at 7:00pm

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Water & Sewer Committee

Council

City Staff

Recorder

Others

Absent

Chris Ridley - Chair, John Helberg, Jeff Comadoll

Travis Sheaffer – President, Jason Maassel – President Pro Tem, Jeff

Comadoll, John Helberg, Jeffrey Marihugh, Chris Ridley, Heather Wilson

Monica S. Irelan, City Manager

Gregory J. Heath, Finance Director/Clerk of Council

Trevor M. Hayberger, Law Director Dennis Clapp, Electric Superintendent Chad Lulfs, Director of Public Works

Scott Hoover, Water Treatment Plant Superintendent

Tammy Fein

News Media; John Courtney and John Wiesing, Courtney & Associates;

Frank Godwin, Village of Liberty Center; Nick Rettig, Henry County

Water/Sewer

Jeffrey Marihugh

Call To Order

Chairman Ridley called the meeting to order at 7:00pm.

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

Approval Of Minutes

The March 9 WSRRL meeting minutes stand approved as presented with no objections or corrections.

Review Of City Water Rate Structure And Allocations Irelan stated that the purpose of this meeting is to define the process of obtaining the water rate structure, including inside rates, outside rates and contractual rates for the satellite customers.

John Courtney and Scott Wiesing from Courtney & Associates explained a presentation regarding the Water Cost of Service Study and developing the model for the rates.

Courtney reported that there are revenue requirements, which are a projection of the required cost to operate and maintain the City water system built upon historical data, anticipated future changes, inflation factors, allowances for capital improvements, and a new water treatment plant in the future. Courtney reported that 2016 was used as the test year for the Cost of Service model, which is before the water treatment plant will be online, leading to the approximately three percent (3%) increases for the years 2014 through 2016 and Courtney recommends using the same model beyond those years.

Courtney reported that the Revenue Requirements are functionalized into ten (10) different functions including:

Supply – the costs associated with the process of taking the water from the river to the treatment plant, including pretreatment;

Utilities – the costs associated with operating the water system; **Chemicals** – the costs associated with treating the water;

Treatment – the costs including labor and materials associated with operating and maintaining the treatment plant;

Distribution Mains – the cost of maintaining the water distribution system;

Distribution Storage – the costs of the elevated towers;

Meters – the costs of installing, operating, and maintaining the meters throughout the system;

Services – service line related costs for the lines that run from the mains to the individual customers;

Meter Reading – these costs are covered in electric rates and no meter reading costs are allocated to Water or Waste Water; and

Billing Collection – the costs associated with sending out the bills and collecting the payments.

Courtney reported that the costs are figured from information provided by the City as well as annual labor information.

Courtney reported that the next step in the process is to allocate the Revenue Requirements as determined by the Base Extra Capacity Method, which is one of the methods recommended by the American Water Works Association (AWWA) in the M1 Water Rate Manual which is a standard approach to establishing water rates, to different Cost Categories including:

Base – the costs associated with providing service to a customer using water on a constant basis throughout the year to meet continuous usage on the system;

Max Day – the costs associated with treating and supplying water for the maximum daily requirement of the system; this cost is several times that of the Average Day and is different for each rate class;

Max Hour – the costs associated with maintaining capacity at certain portions of the system to meet the Average Day and the Max Day with a maximum hour demand on such factors as pumping requirements and storage devices;

Meters and Services – the costs associated with meters and services combined into one (1) cost to be allocated based on customer meter size; and

Meter Reading and Billing Collection – the costs assigned to customers based on number of customers.

Courtney reported that the Cost by Category gives a relative magnitude of figures based on 2016 as the test year; the Base category, supplying water on a round the clock basis, represents approximately sixty percent (60%) of the overall Cost of Service, the Max Day category represents approximately twelve percent (12%) of the overall Cost of Service, the Max Hour category represents approximately sixteen percent (16%) of the overall Cost of Service, the Meters and Services category represents approximately twelve percent (12%) of the overall Cost of Service, and the Billing and Collection category represents approximately one percent (1%) of the overall Cost of Service. Courtney reported that the Base cost is allocated to customer classes based on usage, established by the meter based on a one hundred cubic foot basis (CCF); the class usage is divided by the total usage to figure the percentage of cost for that class, taking into account that the different classes contribute differently to the peaks; these

figures are used by Design Engineers when designing new treatment plants as well, adding that the AWWA M1 Rate Manual states that the Residential Class Capacity Factor for the Max Hour demand is approximately four (4) times the Average Demand, and the Residential Class has a much higher contribution to the Max Day than the Commercial Class, while the M1 Manual suggests that the Wholesale Class customers should have a 3.75 Max Hour demand, however the City Cost of Study Model used a lower percentage for the Wholesale Customer Class than the recommendation, using 3.25, which is the same capacity factor as the Commercial Class. Courtney stated that the Weighted Capacity Factor excluding the Wholesale Class average totals for the system were researched and the Max Hour Capacity Factor totaled approximately 3.4 which is higher than the figure that was used in the Cost of Service analysis. Courtney stated that the Residential Class are the customers that contribute most to the peak demand on the system, while the Industrial Class and the Commercial Class usages are more spread out throughout the day causing lower Capacity Factors; Courtney added that another reason the Residential Class has a bigger contribution to the Max Hour and Max Day Capacity Factors is due to seasonal usage; more water will be used in the summer and less water will be used in the nonsummer months. Courtney reported that these factors are what is used to determine the allocation of Max Day and Max Hour; adding that only the extra capacity is used for these allocations.

Courtney reported that the Meters and Services costs are allocated to each Class based on a weighted meter size, adding that weighting adjustment figures are used to allocate the cost and this is reflected in rates by higher capacity charges for bigger meters.

Courtney reported that the Billing Collection cost is assigned to each class based on the actual number of customers per class with no weighted factor involved. Courtney reported that more cost will be allocated to the Residential Class due to the higher Capacity Factors; the Commercial Class will have a lower allocation of cost and the Wholesale Class will have an even lower allocation.

Courtney reported that the projected average revenue in the year 2016 has been compared to the Cost of Service results for 2016 based on a dollars per one hundred cubic foot basis (CCF); based on the Cost of Service Study results the City is overrecovering cost from the Residential Class, the Commercial Class, and the Industrial Class, while the City is underrecovering costs from the Wholesale Class. Courtney stated that the Cost of Study is an indication of the goal when adjusting rates, and this should be taken into account when the rates are adjusted to roll in the debt service for the water plant project.

Courtney explained the Summary Page from the Cost of Service Model that demonstrates that the revenue adjustment for the Wholesale Class should be an increase of approximately 4.9% based on the fully allocated Cost of Service. Courtney stated that Irelan requested a separate model with a modified Cost of Service to reflect only the cost associated with those water mains that are necessary to provide service to the Wholesale

Class customers; Jones & Henry pulled the necessary lines from a computer model of the entire system, and reduced the distribution system cost to reflect the elimination of those lines; this shifted the result from underrecovering by approximately 4.9% to overrecovering by approximately 4.3%; Courtney added the figures of Cost of Service for the other classes are not correct since the smaller water lines have been deleted from the model; Courtney also added that the Treatment and Supply Costs and a portion of the Distribution Mains and Storage Costs are included in this model.

Irelan stated that a Cost of Service model is an attempt to put a cost to the actual impact per class to the system; the final rate is an inside rate and an outside rate; the final rate is not split out by class. Irelan reported that the outside rate is the inside rate times fifty percent (50%), adding that the contractual rate for the satellite customers is the inside rate times twenty five percent (25%); both having the declining block rate included, stating that this rate structure is defined by Ordinance. Irelan stated that the AWWA best practice M1 rate manual is used to configure the rates to ensure that the City can legally stand by the Cost of Service rates.

Irelan listed what she believes to be the requirements of the satellite customers to commit to the water plant, including the best quality water at the cheapest price, to meet and exceed all EPA regulations, to have some input regarding the cost of the water, as well as paying transmission costs instead of distribution costs. Irelan stated that she has discussed rewriting the contracts with the satellite customers to meet the listed goals; Irelan brought a proposal in September 2014 to the satellite customers to either decrease or eliminate the capacity charge, to decrease the commodity charge, to allow a line for a midterm adjustment of the contract allowing discussions with the satellite customers if they could prove that they could get less expensive water from a comparable water system with equivalent water facilities, as well as offered an Advisory Board with a member of each satellite customer to propose rates to the Water, Sewer, Refuse, Recycling & Litter Committee and the Board of Public Affairs with final approval of the proposed rates by Council, however this proposal was not negotiated by any of the satellite customers by the deadline of April 2015. Irelan added that the only options not offered in the proposal were a flat wholesale rate and the Transmission Cost change. Irelan stated that in October she requested that Courtney figure a levelized wholesale rate using 2013 as the base year, using the actual water usage of the satellite customers and the actual payments to figure a basis for the extra capacity model, adding that the rate would only increase by the percentage set by Council. Irelan stated that she would prefer the rates be based on a model that is based on best practices, however she still presented this analysis to the satellite customers; in April 2015 Irelan requested that Courtney create the model that demonstrated the cost of the transmission versus the cost of the distribution system which showed a 4.9% savings to the satellite customers. Irelan reported that the satellite customers have decided to research other options; however Irelan wanted the options that were given to the satellite customers to be brought before Council in an open meeting to allow for negotiations later.

Maassel asked why the satellite customers did not approve the proposals

when they were presented last Fall, Irelan believes this to be due to the offer of a decrease in the capacity charge and the commodity charge; the satellite customers wanted these charges eliminated as well as requiring a flat rate instead of a capacity model with a declining block rate; however Irelan explained that if the satellite customers increase their customers with this case, they will end up paying more. Irelan stated that there may not have been approval due to cost over all, adding that Irelan will never offer a cost less than what an inside customer would pay, adding that she cannot legally justify allowing a satellite customer to pay less than what an inside customer is required to pay.

Sheaffer believes that a line must be drawn in this process, suggesting that the satellite customers must either commit to being a part of the City water distribution system, or when the satellite customer contracts are done then they are done; adding that the satellite customers have continually ignored the timeframe given, and there seems to be no willingness to negotiate on their part. Maassel suggested asking the satellite customer representatives in attendance.

Frank Godwin, Village of Liberty Center, agreed that Irelan did offer what was stated tonight, however he believes that the levelization would cost Liberty Center more in the first two (2) years. Godwin asked if the number of satellite customers would dictate the size of the water plant; Irelan stated that the City must have a water plant able to accommodate the satellite customers until 2020 when the current contracts expire. Godwin asked for a cost estimate; Irelan replied that estimates that were discussed at the last presentation at the Henry County Water Sewer meeting was a cost of approximately \$14.5 million with two percent (2%) interest over thirty (30) years; the \$14.5 million is broken down into a \$12 million dollar rehab with a \$2.5 million note that the City has been carrying. Irelan added that these figures are a worst case scenario, and the City is trying to do a \$10 million rehab. Godwin stated that Liberty Center would like to know what the rates will be in the future before they are willing to commit, and he is open to any contact to receive information, adding that Liberty Center will not commit until the rates are explained. Wilson asked Godwin to explain himself; she believes that a \$10 million to \$12 million rehab is less expensive than Liberty Center building their own plant; Godwin believes that a \$10 million rehab is not less expensive than Liberty Center building their own plant; Nick Rettig stated that the rates, if Whitehouse were included, would range from \$2.94 to \$5.95. Helberg asked what the rates would figure without Whitehouse; Rettig replied \$6.05 to \$9.58. Irelan clarified that these figures are comparing units of water to thousands of gallons; Irelan stated there are few figures in the City numbers that aren't figured into the satellite customer information including billing and finance and administration costs, since the satellite customers do not have this data.

Ridley asked if the 2017 and 2018 costs could be projected based on estimates; Irelan stated that this could be done based on the wholesale rate and these projections have been provided for the satellite customers based on the larger debt amount of \$16.8 million, but to keep this rate structure the City would be required to pay Courtney to do another Cost of Service

Study based on these assumptions tied to this amount; Irelan believes that the City has spent approximately \$10,000 on studies for answers for the satellite customers. Maassel asked when there will be a set figure on the rehab; Heath stated that these will only be available once the bids are opened, and the final debt will not be sold until after the construction of the project. Irelan stated that she would like to know that satellite customers are committed to the City before the debt is incurred; the City will have to incur the debt at a higher rate if the satellite customers wait to commit to the project, then Council would need to decide if the City is willing to discount the Capacity Charge and Commodity Charge. Helberg asked how to configure the satellite customer figures to compare with the City figures since it is currently units compared to thousands of gallons: Irelan stated the figure is divided by 748.05. Wilson stated that she would like to see the billing, finance and administrative costs included in the satellite customer figures as well. Irelan stated that she had asked Rettig for these figures, he replied that they "are all in the report". Irelan asked if the satellites customers were going to have a centralized finance department or if each satellite customer was having their own; Rettig replied that each will have its own. Helberg asked how they could make a true comparison for these figures, adding that the satellite customers have not approached the EPA to request having their own system and no approval has been given. Irelan stated that the satellite customers will figure their rates by dividing the cost of water and by the total number of customers, and there will be no allocations per class.

Helberg believes that the City should move on without the satellite customers; Sheaffer agreed, adding that he has read comments from the satellite customers in the paper in which they state that "the City is treating the satellite customers poorly"; Helberg agreed, adding that the rates to the satellite customers would be increased only to recover costs. Wilson stated that the unwillingness to commit to the project should mean no discounts at a later date, adding that no gratitude should be extended for noncommittal. Ridley believes that a point of contention stems from the way that costs are currently be collected; looking at plant as a whole, not just at the transmission lines; Irelan stated this model was shown to Rettig a few weeks ago; Ridley stated regardless if the satellite customers choose to continue with the City, the City must determine cost and billing from this point forward, and asked the Committee and Council to determine which options stated earlier they would not be willing to consider. Maassel believes it does not matter which options are discussed; he believes time to be on the side of the satellite customers; Helberg replied that time is not on their side; the City has been delaying the project while waiting for them to make a decision, and all customers are at risk including the satellite customers. Maassel believes that the satellite customers can choose to go a different way if they believe the plant cost is too high; Helberg stated that he does not have an issue with only charging the Transmission Cost. Wilson agreed with Irelan, and believes the City residents should also be held in regard when figuring the rates for the satellite customers. Irelan stated that the model shows that charging the Transmission Cost to the satellite customers would save them approximately five percent (5%).

DeWit believes that the City is negotiating against itself, since the satellite

customers are not negotiating, adding that he believes that the City should not continue to offer discounts to the satellite customers. DeWit stated that approval has not been given for the satellite customers to pump water from a different county and does not believe that water can be distributed across Henry County at the figures that were quoted earlier by Rettig; DeWit added that he does not believe that Whitehouse will be a customer of their system. DeWit believes that the City has more time to wait than the satellite customers as the City has a good water supply as opposed to wells, and Liberty Center will be assessed to pay for this system even if the system cannot make water, adding that the satellite customers are not assessed when buying water from the City. DeWit asked Rettig how the system will be paid for; Rettig replied that EPA and USDA grants will be applied for. DeWit stated that if the grant applications are written as the report has been up to this point, stating that they are establishing water out of the ground because there is no recourse, the City will raise an objection and the EPA will take this into consideration. DeWit suggested stopping negotiations with the satellite customers and letting them find their water elsewhere; DeWit suggested watching the paperwork and raising objections as necessary, as well as cutting services off with the County and forming a separate district. Helberg believes that the satellite customers are determining the size of the water plant due to their contracts not being up until 2020; DeWit believes the bigger plant will not be an issue in the future, and the satellite customers will not be able to find lower rates due to the size of the pumping systems required.

Sheaffer agreed with DeWit; the rate is the rate, adding that the City would be happy to keep the satellite customers, however, the rates are what they are. DeWit stated that the City has done everything possible to keep the rates low in fairness to the satellite customers. Helberg stated that the City is not asking the satellites to leave, but the project must move forward. Godwin asked if the size of the building would change if the satellite customers left; Irelan stated the building size would be the same, however different skids of membranes could be used depending on if the satellites are included or not. Godwin stated that Liberty Center is just exploring options; Irelan stated that none of the satellite customers have counteroffered on any proposal that has been offered, and the City has paid for approximately \$10,000 worth of studies to answer questions for the satellite customers; Helberg stated the only counteroffer that has been offered is to leave. Rettig asked for the cost of creating water; Irelan stated she presented that entire calculation at a Henry County Water Sewer Consortium meeting and will email this information to Rettig again. Godwin stated that he does not know the specifics since he has not had enough time to research the information even though the study has been completed. Ridley suggested that all parties read the information and discuss the options at the June WSRRL meeting; Ridley added that he would like to collaborate with the satellite customers. Helberg suggested calculating rates based on how it has been done in the past, but to adjust the Distribution Charge to the Transmission Charge. Comadoll asked how changing this charge would affect the City resident customers; Irelan believes it would be an approximate one percent (1%) increase per class; Sheaffer stated that he is not willing to have residents subsidize this charge; Comadoll agreed. Helberg asked why the Commercial Class rate is being

used rather than the recommended Wholesale Class rate; Courtney stated there was no detailed information on sales, but it was assumed to be more like the Commercial Class and represents the average capacity factor of the system. Irelan added that it was more fair to the satellite customers; Courtney stated this is the factor that has been used since the first model was created; Helberg stated that once again the satellite customers are receiving a discount with no required commitment. Irelan stated that this has given her a direction to open discussions back up with the satellite customers, though she believes that there will be no committal until the final design is complete with a final bid on the construction. Heath asked what the delta of the project would be, adding that even if the delta is \$2 million more, would that be the tipping point of the satellite customers; there is no feedback from the satellite customers regarding this. Helberg stated that the contracts must be honored through 2020; Heath added that there will be a financial review by the debt markets and the rates will be reallocated accordingly to cover the debt causing higher capital costs. Helberg stated that the rates will not increase solely based on the lack of contributors to the capital, and operation costs will decrease. Heath stated that the satellite customers represent approximately twenty percent (20%) to twenty five percent (25%) of revenue and losing this will raise the debt interest rate due to being a higher risk. Heath stated this depends on market at the time, and believes the costs that the satellite customers are providing are unrealistic, adding that the City must move forward and the assumption must be made that the satellite customers will not be involved. Helberg believes this increase should be allocated to the outside customers; Rettig stated that the satellite customers represent twenty five percent (25%) of usage and thirty one percent (31%) of revenue; Irelan stated that Rettig has these figures reversed, guaranteeing that the satellite customers are not charged as much as they use; Courtney agreed. Godwin stated that he would like the Engineer's Estimate on the project; Irelan stated that she has given the figures regarding the cost and the annual debt to the satellites customers; however the actual rate figure cannot be determined without paying Courtney to do another Cost of Service model, adding that the numbers given in the past used a levelized figure based on the \$16.8 million option at a wholesale rate. Irelan gave the Engineer's Estimate as \$14.5 million over thirty (30) years at two percent (2%) interest. Helberg stated the plant will be the same size no matter if the satellites are involved or not; Irelan stated that from 2017 through 2020 water must be processed for the satellite customers; and if the satellite customers leave, the plant will use one (1) less skid with loose membranes throughout at a lower cost.

Review Of City Water And Sewer Rules (Tabled)

Any Other Matters To Come Before The Committee

WSRRL Motion To Adjourn

Passed

Chairman Ridley left the Review of City Water and Sewer Rules Tabled.

None

Second: Wilson Motion: Comadoll

To adjourn the meeting at 8:18pm

Roll call vote on above motion:

Council 5/18/15

Yea-	Yea- Wilson, Ridley, Maassel, Sheaffer, Helberg, Comadoll
Nay-	Nay-
Approved	Travis B. Sheaffer, Council President
	Ronald A. Behm, Mayor
	Gregory J. Heath, Finance Director/Clerk of Council



City Council

Meeting Minutes

Monday, May 18, 2015 at 7:00pm

PRESEN	\mathbf{T}

Council

 $Travis\ Sheaffer-President, Jason\ Maassel-President\ Pro\ Tem, Jeff\ Comadoll,$

John Helberg, Chris Ridley

Mayor

City Manager Law Director

Finance Director/ Clerk Of Council

Recorder City Staff

Tammy Fein

Ronald A. Behm

Monica S. Irelan

Gregory J. Heath

Trevor M. Hayberger

Chad Lulfs, Director of Public Works

Dan Wachtman, MIS Administrator Robert Weitzel, Police Chief Tony Druhot, Fire Department News Media; Mike DeWit

Others

ABSENT

Council Others

Jeffrey Marihugh, Heather Wilson

Call To Order

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

Minutes Approved

Minutes of the May 4 Council meeting stand approved with no objections or corrections.

Citizen
Communication

None

Reports From Committees

The Parks & Recreation Committee did not meet tonight due to lack of agenda items

Chairman Sheaffer reported that the Personnel Committee met tonight to discuss the Employment of Personnel in Executive Session, and no action was taken.

Chairman Sheaffer reported that the Electric Committee met on Monday, May 11 and recommended:

1. Approval of Power Supply Cost Adjustment Factor

Chairman Ridley reported that the Water, Sewer, Refuse, Recycling and Litter Committee met on Monday, May 11 in joint session with Council and recommended:

- 1. Review of City Water Rate Structure and Allocations
- 2. Tabled the review of City Water and Sewer Rules

The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on Monday, May 11 at the direction of the Chair.

Introduction Of

President Sheaffer read by title Ordinance No. 029-15, an Ordinance amending

Ordinance No. 029-15

various sections of the Rules and Regulations of City Council for the City of Napoleon

Motion To Approve First Read

Motion: Maassel Second: Ridley To approve First Read of Ordinance No. 029-15

Discussion

Hayberger reported the proposed changes:

Addition to Rule 1.2 – limiting all public comments to five (5) minutes per person, unless an extension is granted;

Addition of Rule 1.8.3 – adding the Pledge of Allegiance to the Council Order of Business;

Addition to Rule 1.8.9 – adding Discussion/Action to the Agenda;

Addition of Rule 1.10 – outlining the Agenda for the Organizational Meeting; Addition of Rule 2.4 – outlining the protocol for the election of the Council President and President Pro Tem;

Addition of Rule 2.5 – outlining the seating order of Council;

(Current) Rule 2.4 – outlining the procedure for selecting Clerk of Council; Rule 3.1.8 – adding the heading "The Appointment Of Standing Committees";

Rule 3.2 – setting the meetings of Standing Committees;

Rule 3.9 – outlining the procedure for the Personnel Committee;

Rule 6.4 – changing a capitalization issue;

Rule 6.5 – changing the procedure for Publishing by Summary from Legislation with over one thousand (1,000) words to one (1) word;

Addition to Rule 8.2.4 (9) and (10) – addition of Economic Development and any other matters allowed by City Charter to the reasons for Executive Session; Addition of Rule 10.3 – outlining the expectations of City Council; and Addition of Rule 10.4 – defining protocol of anonymous complaints against City employees and personnel.

Maassel asked if Rule 10.3.2 may discourage conversations between Council members and City employees; Hayberger stated this rule is reinforcement to the employee that the chain of command must be followed for potential issues.

Ridley believes that some residents remain anonymous in their correspondence due to fear of retribution, and asked if there is any protection for residents who are not comfortable signing a complaint letter; Hayberger stated there is not since this would be considered a public record. Comadoll suggested that Union employees who fear retribution when reporting an issue should get the Union Steward involved. Irelan stated that she encourages residents to come in and speak with her to bring an issue to her attention. Helberg asked, if Council came to Irelan on behalf of a resident, would the Council member be associated with the complaint; Irelan replied that anonymity will remain if the resident comes to her themselves, not through Council members, adding that there will be no retribution for bringing an issue to her attention or voicing an opinion. Heath added that bringing an issue before Irelan may depend on the circumstances of the issue; Heath believes that criminal issues must be brought directly before the Police Department. Helberg asked if an issue such as a building inspector issue among neighbors would be associated to the Council member that brought the issue to Irelan on behalf of the resident; Irelan stated that these complaints are researched by Zimmerman and he does not state who the complaint came from. Hayberger added that this rule is meant as a guideline for personal attacks more than minor complaint issues.

Helberg stated that when Glenn Miller went from Council President to County Commissioner, Helberg believes that the Council President Pro Tem moved into the Council President position, then there was a vote for the new President Pro Tem; however this time when the Council President stepped down, there was a vote for Council President; Hayberger stated that a vacation of the Council President position deems a vote. Irelan added this issue can be outlined in the Council Rules; Hayberger added that the President Pro Tem does not usually step into the President position for any long vacancy; a vote is necessary. Heath stated this could be outlined in the Council Rules, however the Charter overrides the Rules. Sheaffer stated that the Personnel Manual can be used as a guideline. Heath asked Chief Weitzel if a direct complaint of criminal activity was received, would this complaint be a matter of public record; Weitzel replied that there is no public record unless something is written down.

Passed Yea- 5 Nay- 0 Roll call vote to approve First Read of Ordinance No. 029-15 Yea- Ridley, Maassel, Sheaffer, Helberg, Comadoll Nay-

Introduction Of Ordinance No. 030-15 President Sheaffer read by title 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

Motion To Approve First Read

Motion: Comadoll Second: Ridley To approve First Read of Ordinance No. 030-15

Discussion

Irelan reported that the employees receive a per diem benefit for meals and mileage while attending training; some training takes place more than forty (40) miles away from the City, and the cost for meals may be higher. Irelan reported that there is a website that shows the recommended per diem rate specific for each area. Irelan asked on behalf of the employees to allow the use of the federal website to obtain the per diem rate for any allowed breakfast, lunch, and/or dinner, and to take away the incident expense benefit outside of forty (40) miles. Heath stated this Ordinance will also memorialize the federal rate for mileage as well; Ridley asked why employees are allowed the federal rate for mileage as opposed to the state rate; Irelan stated the federal rate is the rate defined in the ASCME contract and is used for all employees. Maassel believes that the County reimburses employees based on a percentage of the federal rate; Sheaffer believes the federal rate to be the standard rate used. Hayberger stated that if Council chooses to use a lower rate, there must be a vehicle provided for use as an option for the employee, and vehicle maintenance is a larger expense than using the federal rate. Ridley believes the actual average cost of travel is approximately forty two cents (\$0.42) per mile, and he believes that using the federal rate is adding twenty five percent (25%) more per mile over the state rate; Hayberger stated this is not a large expense for the City; Ridley stated that he believes that employees are being overcompensated by using the federal rate for mileage reimbursement. Irelan reported that mileage is available for Hayberger, Irelan, and sporatic training for employees. Maassel asked if provided meals could be claimed as a reimbursement if included in the registration fee; Heath stated there is a specific travel requisition that states that the Policy requires provided meals to be deducted from the reimbursed rate.

Passed Yea- 5 Nay- 0 Roll call vote to approve First Read of Ordinance No. 030-15 Yea- Ridley, Maassel, Sheaffer, Helberg, Comadoll Nay-

Second Read 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 Second Read

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

Discussion

Heath reported that there were no changes to the Resolution since the First Read.

Passed Yea-5

Nav-0

Roll call vote to approve Second Read of Resolution No. 026-15

Yea- Ridley, Maassel, Sheaffer, Helberg, Comadoll

Nav-

Third Read Of Ordinance No. 024-15 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 Pass On Third Read

Motion: Second: Comadoll

To pass Ordinance No. 024-15 on Third Read

Discussion Hayberger reported that there were no changes to the Ordinance since the Second

Read.

Roll call vote to pass Ordinance No. 024-15 on Third Read **Passed**

Yea- Ridley, Maassel, Sheaffer, Helberg, Comadoll Yea-5

Nay- 0 Nay-

GOOD OF THE CITY

Discussion/Action **Motion To Approve Power Supply Cost Adjustment Factor**

Motion: Comadoll Second: Maassel

To accept the recommendation for approval of the Power Cost Adjustment Factor

for May as follows:

PSCAF three (3) month averaged factor: -\$0.00148

IV2: \$0.053406 JV5: \$0.053406

Passed

Roll call vote on above motion: Yea- Ridley, Maassel, Sheaffer, Helberg, Comadoll Yea-5

Nay- 0 Nay-

Approval Of Donation From Rowley To The **Parks Department** For The Purpose Of A

Irelan stated that the Rowley family would like to donate a bench to be placed by the boat docks.

Park Bench: \$648

Motion To Approve Donation From Rowley To The Parks Dept. For The Purpose Of A Park

Motion: Comadoll Second: Ridley

To approve a donation from Rowley to the Parks Department for the purpose of a

park bench in the amount of \$648

Passed Roll call vote on above motion:

Yea-Ridley, Maassel, Sheaffer, Helberg, Comadoll Yea-5

Nay-0 Nay-

Council 5/18/15

Bench

page 4 of 6

Good Of The City (Continued) Heath

None

Ridley

None

Maassel

Maassel canceled the May Finance & Budget Committee meeting due to lack of agenda items.

Maassel reminded Council to acknowledge the meaning of Memorial Day.

Maassel reported that the Supreme Court decided against double taxation for employees working in a different state than where they live and asked if this will this affect Ohio; Hayberger will research this with the Income Tax department.

Sheaffer

Sheaffer set Personnel Committee meetings for Thursday, May 28, Friday, May 29 and Monday, June 1 all at 6:00pm for the review of personnel matters.

Sheaffer stated that thirteen (13) applications have been received for the Law Director position and the process to fill this position is beginning.

Behm

Behm noted that the City has been a member of Tree City USA for twenty (20) years and received an award for this achievement.

Helberg

None

Comadoll

Comadoll reported that the owner of Big G's is getting calls asking if the restaurant is open, adding that he believes there is not enough signage and this is causing business to be down. Sheaffer stated there is a big sign by Meekison Street stating that the restaurant is open. Helberg stated there must be enough barricades to keep a safe flow of traffic, and the entrance cannot be reached easily by the West; Irelan reported that those barricades have been removed and the intersection is open. Comadoll stated that the owner asked if the City could advertise on the radio that the restaurant is open; Behm stated that he will mention on his radio segment that all businesses on Appian Avenue are open. Irelan stated that press releases were sent to the radio and published in the newspaper.

Hayberger

None

Irelan

Irelan stated that she will be away Thursday, May 21 through Tuesday, May 26; Lulfs will be acting City Manager.

Approval Of Bills

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

Motion To Adjourn

Motion: Ridley Second: Maassel

To adjourn the meeting.

Passed

Roll call vote on above motion:

Yea-5

Yea- Ridley, Maassel, Sheaffer, Helberg, Comadoll

Nay- 0

Nav-

Adjournment

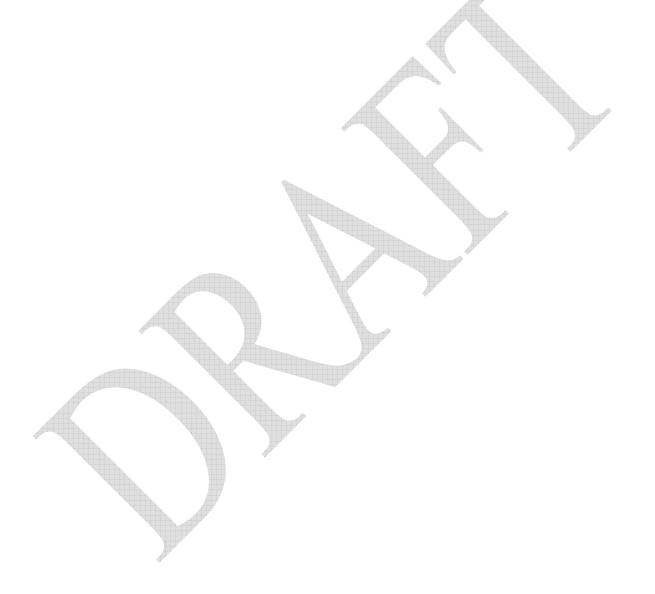
Meeting adjourned at 7:45pm.

Approved:

Travis B. Sheaffer, Council President

Ronald A. Behm, Mayor

Gregory J. 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 Ordinanc	ce shall be in	full force and effe	ect at the earliest
Passed:	7			
		Tr	avis B. Sheaffer,	Council President

Approved:		
		Ronald A. Behm, Mayor
VOTE ON PASSAGE	Yea Nay	Abstain
Gregory J. Heath, Clerk/Finance	ce Director	
the foregoing Ordinance No. 029 general circulation in said City, o	-15 was duly publish on the day o h rules established in	of the City of Napoleon, do hereby certify that ed in the Northwest Signal, a newspaper of f
		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
			plished 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.
		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 scounty budget Commission pursuant to	submits its annu Section 5705.3	al Bud 0 of th	get for the year co e Revised Code.	m	mencing January 1	st	, 20 for cons	ideration of the
			Drogo	Z/A	Abeat Vividge Fiscal Of City	fi	cer	
County Auditor			Fi	n	egory J. Heath ance Director	/(Clerk of Co	ouncil
County Treasurer		_	Cı	ty	/ of Napoleon	١,	Ohio	
County Prosecuting Attorney SUMMARY OF AMOUNTS REQU		SENER	Schedule A AL PROPERTY T DR'S ESTIMATED			== 3L	IDGET COMM	ISSION AND
		'T		T			County	Auditor's
ty of Napoleon, Ohio ty Tax Valuation: \$140,680 FUND),550 M ills	cor	nount approved by Budget nmission Inside 0 M 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			,	1				
12. Park Levy Fund								
14. Miscellaneous Funds								
15 General Bond Retirement Fu	und			l				

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

LEVIES OUTSIDE 10 MILL. L	INITATION, EXCEOU	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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City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
Chad E. Lulfs, P.E., P.S., Director of Public Works
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

Memorandum

To: Monica Irelan, City Manager

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

cc: Mayor & City Council

Greg Heath, Finance Director

Jeff Rathge, Operations Superintendent

Date: June 1, 2015

Subject: 2015 Miscellaneous Street Improvements Project

Recommendation for Award

On Wednesday, May 27, 2015, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

Gerken Asphalt Paving, Inc.

The published Engineer's Estimate for this project is \$200,000.00. This project consists of resurfacing: Independence Drive from Industrial Drive to Enterprise Avenue; Daggett Drive from Huddle Road to W. Maumee Avenue.

Also included are the following alternates:

Fairview Drive from W. Maumee Avenue to the dead end \$59,043.35
Patch on Commerce Drive near E. Riverview Avenue \$4,594.25
Patch on Enterprise near American Road \$4,828.70

Alternate Bid Total: \$68,466.30

Base Bid Total: \$175,577.35

Having reviewed the submitted Base Bid and Alternate Bids, it is my recommendation that Council award Gerken Asphalt Paving, Inc. the contract for the 2015 Miscellaneous Street Improvements Project, including ALL Alternates, in the amount of \$244,043.65. The additional funding required can be used from the unused budget (approximately \$150,000.00) for the *New Salt Shed* (401.5100.57200). If you have any questions or require additional information, please contact me at your convenience.

CEL



City of Napoleon, Ohio

Department of Public Works

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Memorandum

To: Monica Irelan, City Manager

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

cc: Mayor & City Council

Greg Heath, City Finance Director

Jeff Rathge, Operations Superintendent

Date: June 1, 2015

Subject: 2015 Street Striping Project

Recommendation of Award

On Wednesday, May 27, 2015, bids were opened and read aloud for the above referenced project. Two (2) bids were submitted and read as follows:

Zimmerman Paint Contractors Co. \$88,019.83 A & A Safety, Inc. \$129,019.18

The published Engineer's Estimate for this project is \$100,000.00. This project consists of restriping city streets and parking lots.

Having reviewed the submitted bids, it is my recommendation that Council award Zimmerman Paint Contractors Co. the contract for the 2015 Street Striping Project in the amount of \$88,019.83. If you have any questions or require additional information, please contact me at our convenience.

CEL



City of Napoleon, Ohio

Department of Public Works

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Memorandum

To: Monica Irelan, City Manager

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

cc: Mayor & City Council

Greg Heath, Finance Director

Jeff Rathge, Operations Superintendent

Date: June 1, 2015

Subject: Operations Superintendent Replacement Vehicle

Approval of Specifications

As part of the approved 2015 Final Budget, the pickup truck used by the Operations Superintendent was budgeted for replacement. The budget for this item is \$26,900 and divided between the following accounts:

400.5100.57000 (Capital Improvement Fund)	20%	\$5,380.00
510.6210.57000 (Water Revenue Fund)	20%	\$5,380.00
520.6310.57000 (Sewer Revenue Fund)	20%	\$5,380.00
520.6311.57000 (Sewer Revenue Fund)	10%	\$2,690.00
560.6740.57000 (Sanitation Revenue Fund)	<u>30%</u>	\$8,070.00
	100%	\$26,900.00

A 2015 Ford XL 4 Wheel Drive, 4 door truck is available on the state contract for \$27,400.78. This exceeds budget and the City of Napoleon's head mechanic has concerns with this vehicle. His past experience with aluminum panels, which this has, is that the paint peels off within a few years. One other concern raised by our mechanic is the location of the nearest Ford dealership. There is no Ford dealer in Napoleon. Any warranty work or parts that we need for the Fords currently in the fleet require us to go to Archbold. This is usually an hour roundtrip. With the location of the dealership, there are long term costs that should be considered.

Submitted for approval are specifications to put this truck out for bid.

There was some concern regarding the color of the truck. Included in the specifications are options for both white and yellow with expected delivery dates.

CEL

Memorandum

To: Technology and Communication Committee, Council, Mayor, City

Manager, City Law Director, City Finance Director, Department

Supervisors, Media

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

Date: 5/28/2015

Re: Technology and Communication Committee Meeting Cancellation

The Technology and Communication Committee meeting regularly scheduled for Monday, June 1, 2015 at 6:15pm has been CANCELED due to lack of agenda items.

May 22, 2015



Pictured at the Mayors' Reception on May 19 are (from left): Rep. Doug Green (R-Mt. Orab), Rep. Brian Hill (R-Zanesville), OMEA Board Member and New Bremen Village Administrator Wayne York, Rep. Jim Buchy (R-Greenville) and Rex Katterheinrich, New Knoxville Village Administrator and OMEA Honorary Member.

Members network with Ohio lawmakers at annual OMEA event

By Jolene Thompson – senior vice president & OMEA executive director

The OMEA held its annual Legislative Day & Mayors Reception for state lawmakers on May 19 at the Vern Riffe Center in Columbus. More than 40 elected and appointed officials representing 22 public power communities attended the legislative briefing, and met with legislators and key policymakers to raise awareness of the importance of local control at the evening reception.

The afternoon session updated participants on key state and federal issues, including the state budget, environmental and energy policy matters. Sen. Bill Seitz (R-Cincinnati), chair of the Senate Public Utilities Committee, spoke on the impacts of Senate Bill 310, the current status of the Energy Mandates Study Committee and the U.S. Environmental Protection Agency's controversial 111(d) proposal. Rep. Tim Schaffer (R-Lancaster), chair of the House Public Utilities Committee, discussed changes in the industry, and energy policy challenges at both the state and federal levels. AMP President/CEO Marc Gerken finished out the briefing with an update on AMP projects and power supply.

On behalf of the OMEA Board of Directors, I want to express appreciation and gratitude to all our member community officials for their participation and dedication to protecting public power. This annual OMEA event provides important information on the legislative issues facing Ohio municipal electric systems at the Statehouse and shows lawmakers that it's important that we have a seat at the table for policy discussions.

APPA recognizes AMP members with RP3

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

The American Public Power Association (APPA) recognized 97 public power utilities with its Reliable Public Power Provider (RP3) designation during APPA's annual Engineering & Operations Technical Conference on May 18



Reliable Public Power Provider

cal Conference on May 18 in Sacramento, Calif. Nine AM

in Sacramento, Calif. Nine AMP members received the recognition for 2015:

Diamond Level

Piqua Power System

Platinum level

Coldwater Board of Public Utilities Cleveland Public Power Montpelier Municipal Electric Borough of Ephrata Electric

Gold Level

City of Bowling Green Hudson Public Power Orrville Utilities

New Martinsville Municipal Electric Utility

These communities join the 14 AMP and DEM-EC members who were recognized for 2014-16. AMP would like to give special congratulations to the Piqua Power System for receiving Diamond designation for the third time. Both Montpelier and Hudson were first-time recipients in 2015. AMP is proud that our members represent approximately 10 percent of the total recipients who were named this year.

Charlie Bauschard of Coldwater was also named to the RP3 panel and will serve in the medium representative spot.

continued on Page 2

PJM enters summer 2015 with healthy reserve margin

By Mike Migliore – assistant vice president of power supply planning & transmission

PJM announced this week that it is prepared to meet its expected summer 2015 peak of 155,279 MW with 177,650 MW of installed generation capacity. This provides it with a 21 percent reserve margin, which is well above its 15.6 percent planning criteria. The amount of reserves is above normal despite a 6,000 MW reduction in installed capacity from last summer.

PJM's highest peak was set in July 2011 at 165,492 MW. PJM's winter peak has been around 143,000 MW during the past two winter seasons.

Lineworkers rock Rodeo

By Bob Rumbaugh - manager of technical training

The American Public Power Association's (APPA) 2015 Lineworkers Rodeo was held May 15-16 in Sacramento, Calif., where 58 teams and 86 apprentices demonstrated their skills and safe work practices. AMP members were well represented – the Westerville team finished in ninth place, Michael Roark of Westerville finished 17th overall, and Shemill Johnson of Cleveland placed 56th overall.

Johnson placed first overall-apprentice in AMP's 2014 Lineworkers Rodeo, with Roark taking second. AMP's 2015 Lineworkers Rodeo will take place Aug. 29 at AMP headquarters. More information on the event will be available soon.

APPA also released a retrospective video on 15 years of the rodeo, which can be viewed <u>here</u>.



Shemill Johnson, with Cleveland Public Power, works the conductor tie at the 2015 APPA Lineworkers Rodeo in California.

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

Week end	ling May 22			
MON \$50.52	TUE \$44.60	WED \$32.16	THU \$31.76	FRI \$31.10
Week end	ling May 15			
MON \$67.56	TUE \$42.09	WED \$36.51	THU \$37.86	FRI \$43.13
, ,	ton 2016 5x16	*	,	

APPA recognizes **AMP** members

continued from Page 1

RP3 recognizes public power utilities that demonstrate proficiency in four key disciplines: reliability, safety, workforce development and system improvement. The RP3 designation now lasts three years (was previously two). With the new 2015 awardees, 191 utilities now hold the RP3 designation nation wide.

For more information and a complete list of recipients, please visit the RP3 section of the <u>APPA website</u>.

Energy prices mixed

By Craig Kleinhenz - manager of power supply planning

Energy markets had a mixed week with natural gas prices closing slightly lower and power prices higher. On the natural gas side, prices have been hovering around the \$3/MMBtu level as robust production has been offset by the approaching summer. June natural gas prices finished trading yesterday at \$2.95/MMBtu, which is down \$0.06/MMBtu from last week.

2016 on-peak power prices at AD Hub closed up \$0.59/ MWh from last week, finishing yesterday at \$43.08/MWh.

AFEC weekly update

By Craig Kleinhenz

AFEC has been online for the entire month of May and has seen a very consistent generation pattern. This 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 not used this week and the plant ended the past seven days with a 67 percent load factor (based on 675 MW).

Calendar

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

June 2—PMEA Legislative Reception Harrisburg Hilton, 1 N. Second St. Harrisburg, Pennsylvania

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

June 5-10—APPA National Conference *Minneapolis, Minnesota*

AMP demonstrates excellence in safety

By Gary Keffer – environmental health & safety manager

AMP formally accepted the American Public Power Association's (APPA) 2014 Safety Award of Excellence – First in Group F for systems with 250,000 to 999,999 work hours of exposure – at the APPA Engineering & Operations Technical Conference, held May 17-20 in Sacramento, California. Pictured with the award are Belleville operational staff members (from left): Ronald Galland, Scott Barta, Matt Steele, Mike Bush, Tony Belcher and Charles Bailey. Not pictured from the Belleville staff is James Dinnin.

This award also recognizes AMP's forestry, AMP Fremont Energy Center and generation operations staff.

AMP members who received 2014 APPA safety awards are: Ephrata, Hillsdale, Minster, Montpelier, New Martinsville, Piqua, Princeton, Shelby, St. Clairsville and Wapakoneta.

Congratulations to all AMP and member staff recognized with this award.



Net metering tops trends in sustainability for May

By David Deal - director of energy policy & sustainability

Net metering has been a hot topic in Ohio recently as the PUCO reconsiders changes to the state's existing rule. This reconsideration reflects a broader industry trend in which contentious debate rages over the fair accounting of distributed generation resources. Studies have shown both benefits and costs to the grid and utility providers, and debate remains what price should be paid for energy generated by distributed resources.

To begin the revision process, PUCO held a net metering workshop on May 5 to gather input from interested stakeholders. There was substantial interest in the workshop and three broad viewpoints characterized the testimony.

Investor-owned utilities had the following concerns: any well-written net-metering law should ensure that no cross subsidization of distributed generators (DG) occurs, that net metered accounts are sized only for the (projected) load generated on site, and that the energy rate paid to DG customers should reflect only electricity (kWh) generated and not capacity resources, given the intermittency and non-dispatchable nature of DG.

At the other end of the spectrum, multiple renewable and environmental advocates argued that DG should be viewed as both an energy and capacity resource (thus maximizing payment equivalent to retail rates) and that those customers should have the ability to size systems up to 120 percent capacity given the uncertainty of future demand or energy use profiles.

Competitive Retail Electric Service (CRES) providers were focused on the questions of who should be paying the DG providers, how (and how often) DG information is and should be shared among all parties, and argued that CRES participants had every right to participate in the net metering rule.

A number of other important issues concerning inter-

connection standards, universality of the rule, DG siting allowances, and the need for more third party research into the benefits and challenges of net metering were all raised. As one might infer from the workshop, the PUCO has much work left to do to get this rule "right."

Although AMP's Ohio members aren't directly impacted by the PUCO rules, AMP will continue to follow the net metering topic. For more information, please contact me at ddeal@amppartners.org or 614.540.0840.



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Classifieds

Oberlin in need of candidates for lineworker position

The Oberlin Municipal Light and Power System (OMLPS) is accepting applications for the position of full-time 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 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 <a href="href

AMP accepts applications for power supply position

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

Power Supply Planning Engineer I 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.

Danville seeks strong leader for Power and Light Division

The City of Danville 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, 2015. 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 opening for engineer

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

Those interested should submit applications to the Civil Service Commission by applying online at www.csc.columbus.gov by May 27, 2015. 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/.

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



Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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Committee Schedule

May 22, 2015

OHIO SENATE BEGINS PROCESS TO DETERMINE BUDGET PRIORITIES

Next week the Senate Finance Committee will be receiving reports produced by the various Finance subcommittee Chairman, including Ways and Means Committee, whom have been spending the last four weeks going through budget issues included in sub. HB64, the current state budget proposal. Following the review of committee reports, the full Finance Committee will reconvene the week of June 8 th to receive public testimony from individuals who have an interest in what the state includes as priorities to the two year operating plan. In addition to the conversations that should already be taking place, this will be the opportunity for our municipal officials to present their concerns and suggestions on how to improve upon the list of state funding priorities.

Once again, the league is calling on our members to arrange time in their upcoming schedules to join us at the Ohio Statehouse as we lobby members of the Ohio Senate to restore financial support to Ohio cities and villages, by restoring funding cuts to the Local Government Fund.

The top issues or concerns the league has for the currently proposed budget includes our support and appreciation for the appropriation made by the Ohio House of \$20 million to create the Local Government Safety Grant Program and our desire to see that appropriation increased; our continued request for additional state financial support to the LGF to refortify this critical funding source, through either the existing distribution formula or by additional grant opportunities, protect against additional local revenue loss through the proposed elimination of the TPP reimbursement schedule and to discourage unwarranted attacks on current LGF distribution amounts against municipalities who choose to exercise the rights provided to them through the Ohio Constitution, in addition to other items.

The members of the Ohio Senate who are assigned to the Finance Committee can be found at http://www.ohiosenate.gov/senate/committee/finance.

It is very important that members of the Senate Finance Committee be presented with testimony from representatives of municipalities who continue to experience financial difficulties as a result of such things as: the slower than expected economic recovery on the local level, depressed local revenue collections in communities across the state compared to 2008 or pre-recession revenue levels, cuts in state funding through the elimination of the Ohio Estate tax and what that loss in revenue has meant to local budgets and the cutting in half of assistance previously provided through the Local Government Fund.

Unfortunately, some members of the legislature are still under the false impression that municipal revenue

figures across the board are back to or even higher than revenue collection amounts before the 2008 economic recession or the dramatic cuts in state financial assistance that took place in HB 153, the FY 2010-11 state budget, with the LGF and Estate tax.

We are asking that our members to consider coming to the Statehouse the week of June 8 th, to impress upon members of the Ohio Senate that cities and villages across the state are straining financially and that the senate has the financial resources at their disposal to provide local taxpayers and communities the budgetary relief needed.

Remember, testimony should be brief, 5 to 10 minutes in duration is the preferred length so that the committee can get through as many witnesses as possible in a manageable timeframe. Chairman Oelslager asks that those providing testimony to please provide in advance a written copy of the remarks to be given to his office 24 hours before the hearing date. The league would be more than happy to assist in making sure testimony is delivered to the Chairman's office before the hearing, if municipal witnesses choose to send their copy to us first.

As soon as the official public hearing schedule, including dates and times, is released for the week of June 8 th by the Senate Finance Committee, we will be sure to alert our members.

LEGISLATION INTRODUCED TO MAKE MORE CHANGES TO JEDDS & ENTERPRISE ZONES

The Ohio legislature continues their examination and more proposals are being offered to modifying how communities partner together to create new economic development opportunities through the establishment of Joint Economic Development Districts or JEDDs.

A few weeks ago, Rep. Kirk Schuring (R-Canton) introduced HB 182, legislation that aims to revise the law governing the creation and operation of Joint Economic Development Districts (JEDDs) including Enterprise Zones. Rep. Schuring shared with members of the House Economic & Workforce Development Committee during his sponsor testimony that the bill, in addition to putting JEDD procedures into one Ohio Revised Code section also makes numerous "tweaks" to the original 1995 JEDD development program. Included in the proposal are "tweaks" that would allow JEDDs to be created for "redevelopment" purposes and would allow the inclusion of mixed-use facilities (i.e., buildings that include residential and commercial or industrial space).

HB 182 would also:

- Allow the imposition of a JEDD income tax on the income of individuals residing within the boundaries of the JEDD.
- Authorize the contracting parties to exclude either the net profits of businesses or the income of persons living or working within the JEDD from the income tax base, so long as the tax base is the same for all parts of the JEDD where the tax is imposed
- Establish a procedure permitting the owner of a business operating in the unincorporated territory of a JEDD to apply for exemption from the JEDD income tax on behalf of the business and its employees.
- Clarify that JEDD income tax revenue may be used for the provision of utility services.
- Require that JEDD contracts expressly include an economic development plan, procedures for appointing the board of directors of the JEDD, and a restatement of the law prohibiting municipal annexation of unincorporated JEDD territory.
- Require the contracting parties to send written notice to property and business owners that did not sign the petitions supporting an amendment to add territory to a JEDD and authorizes the contracting parties to amend an existing JEDD contract for the purpose of removing territory from the JEDD or designating excluded parcels within the JEDD.
- Authorize municipal corporations and counties to seek the approval of affected school districts rather than certification by the Development Services Agency when designating an enterprise zone.

Attached **HERE** is the analysis for HB 182. The bill is scheduled for a third hearing Wednesday, May 27 th at 9:00 a.m. before the House Economic & Workforce Development Committee, in Hearing Room #114.

We would encourage any municipal official who may have concerns with the direction of the legislation to alter current JEDD or Enterprise Zone procedures and administrative guidelines to consider attending the hearing next week to share your views with the committee members, before the bill is considered in the near future for a vote.

DATAOHIO INITIATIVE BILL RESURFACES IN OHIO HOUSE

In what the bill sponsor's call a "data modernization effort", Reps. Mike Duffey (R-Worthington) and Reps. Christine Hagan (R- Alliance) recently introduced HB 130, legislation titled the "DataOhio Initiative" which would, among other things, create the DataOhio Board which would be charged with implementing new requirements for posting public records online. In addition, the bill would require the Auditor of State to adopt rules regarding a uniform accounting system for public offices and would also establish an online catalog of public data at data.Ohio.gov, and the Local Government Information Exchange Grant Program. The analysis for HB 130 can be found HERE.

To provide the Auditor of State with the expanded authority over local government financial statistics, the legislation includes an appropriation or funding request of taxpayer dollars in the amount of \$350,000 in FY 2016, to allow the state Auditor to develop the new uniform chart of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices.

HB 130 is scheduled for a third hearing, opponent only, in the House State Government Committee this Wednesday, May 27 at 2:00 p.m. in Hearing Room # 121. The league has been in conversations with one of the sponsors of the bill to discuss concerns the league has with the proposal as it currently is written and we are hopeful that common ground can be reached on this issue and duplications of ongoing work can be avoided as much as possible.

PROPOSAL TO ALTER OIL/GAS UTILIZATION PERMIT PROCESS INCLUDES MUNICIPAL CONCERNS

Legislation recently passed unanimously by the Ohio House of Representatives has been on the league's radar since it's introduction but recent concerns that have been shared with the league by some of our member's has caused us to take a longer look at the proposal and address concerns we were under the impression had been resolved.

The bill, HB8, has been introduced by Reps. Christine Hagan (R- Alliance) and Tim Ginter (R-Salem) with the purpose of revising provisions in the Oil and Gas Law governing unit operation, including requiring unit operation of land for which the Department of Transportation owns the mineral rights, and to specify that the discounted cash flow formula used to value certain producing oil and gas reserves for property tax purposes is the only method for valuing all oil and gas reserves. The bill analysis can be found HERE.

The bill has received one hearing, sponsor testimony only, in the Senate Energy and Natural Resources Committee and is not scheduled for a hearing in the immediate future. Meetings have taken place to discuss the issue with the bill sponsors and other interested parties, of which the league has participated in.

The sponsors of the bill explained that the bill is intended to improve access to energy sources and will create jobs by establishing a timeline for decisions on unitization applications. The legislators shared that the

proposal respects the rights of property owners and is designed to prompt government to "move at the speed of business." The sponsors went on to explain that the bill sets a schedule for hearings and subsequent decisions related to unitization decisions without changing unitization standards.

Although the bill as currently written includes an appeal process for parties to pursue if they disagree with a unitization decision issued by the Department of Natural Resources, there is not a provision that would allow municipalities who may have property to be included in a pool to have the ability to opt-out of the program and regain management oversight of their incorporated property. Municipal park management should enjoy the same treatment and oversight provisions that state parks currently are afforded.

We will be sure to keep our members aware of any committee action that may take place on this bill.

May 29, 2015



AMP's Dale Whitacre, Willow Island plant operator II, assists with the energization of the transmission line to the plant GIS.

Willow Island makes major milestone

By Phil Meier – vice president of hydroelectric development & operations, and Jeff Snoke, Willow Island site manager

The Willow Island hydroelectric project reached a milestone this week. Through Ruhlin, AMP and MWH staff, as well as FirstEnergy, the 138 kV transmission line was energized all the way to the plant Gas Insulated Switchgear (GIS). This enables verification that the transmission line was complete and the GIS also.

The next test to follow will be the full energization through the main power transformers. This is the first step to getting the plant ready for transmitting power. Once the installation of the plant equipment is complete, additional tests will be performed to verify the protection relay settings and control systems. The Cannelton and Meldahl sites achieved this earlier, but as a result of Willow Island being a two-unit plant, progress is being achieved in an expeditious manner.

We continue to interview operators for the Willow Island plant. Those jobs are posted on the <u>AMP website</u> should you know of someone interested in becoming a plant operator.

AEP transmission rate to increase in July

By Mike Migliore – assistant vice president of power supply planning & transmission

Effective July 1, 2015, American Electric Power (AEP) has updated its transmission charges via its Federal Energy Regulatory Commission-approved formula for rate development. The formula sets the calculation of annual revenue requirements based on the prior year's costs (2014 in this

Energy prices take an early summer dip

By Craig Kleinhenz – manager of power supply planning

After hitting a price peak on May 19, just five days after the average date of spring natural gas market highs, energy markets have gradually retreated. Prices closed lower this week after the amount of natural gas in storage reported was larger than expected and weather forecasts cooled compared to forecasts facing traders prior to the Memorial Day weekend. With the latest increase, storage numbers are now less than 1 percent below the five-year average of natural gas storage levels.

July natural gas prices are down \$0.28/MMBtu from last week (9.4 percent), finishing yesterday at \$2.71/MMBtu. 2016 on-peak power prices at AD Hub also closed down, finishing yesterday at \$41.97/MWh which was \$1.11/MWh (2.6 percent) lower for the week.

AFEC weekly update

By Craig Kleinhenz

AFEC was dispatched offline several days this week – mostly due to generation and transmission line outages in the area, making it more difficult for PJM to clear AFEC online. The plant operated last Friday at maximum base generation levels during the on-peak hours before being dispatched offline for Saturday through Wednesday morning.

On Wednesday afternoon, the plant returned online as scheduled by PJM. Duct burners were not used this week and the plant ended the past seven days with a 22 percent load factor (based on 675 MW).

see AEP Page 2

case). The revenue requirements are then divided by the prior year peak load (1CP) to develop the rate that will be charged to loads for the next 12 months. AEP's costs actually increased by 18 percent, but its rate was held down by the 7 percent increase in its 1CP.

Loads in AEP will see the charge for network service transmission increase from \$3.13/kW-mo to \$3.45/kWmo starting with its July power bills. AEP has announced many times that it is undertaking a major expansion and upgrade of its transmission system, so the price increase was not unexpected. AMP works with rate consultants to verify that the revenue requirements are calculated correctly. If any of the costs are found to be invalid, they would be included as an adjustment when the 2016 rates are developed.

May 31 is 30-year anniversary of Newton Falls tornado

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

May 31 will mark the 30th anniversary of the devastating tornado that hit AMP member Newton Falls and the surrounding area in 1985. This natural disaster was the testing ground of AMP's Mutual Aid program, which was founded in 1984.

Thirty years later, AMP is still building on the foundation that a network of municipal electric systems can quickly and effectively provide needed assistance to other member municipal systems when utility emergencies occur that cannot be handled by one system alone.

With severe weather season well under way, the following is a reminder of the contact information for AMP Mutual Sector Coordinators:

- Red Sector Adam Brandt: 419.553.9778
- Green Sector Kenny McKenzie: 614.313.9247
- Gold Sector Bill Lyren Jr.: 330.352.1030
- Black Sector Donnie Watts: 513.646.0441
- Blue Sector Gregg Orians: 419.721.3015
- Purple/Brown Sector Jim Haeseler: 570.527.1301
- AMP Contact Bob Rumbaugh: 614.204.8500
- AMP Energy Control Center 24-hour emergency lines: 614.540.1020 or 614.540.1030

For further information on AMP's Mutual Aid program, including a sector breakdown, please visit the "Mutual Aid" section of AMP's Member Extranet or contact Jennifer Flockerzie, technical services coordinator, at 614.540.0853 or iflockerzie@amppartners.org.

A video is available here for more information on the 1985 tornado.



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.

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

Week end	ling May 29						
MON \$30.92	TUE \$47.35	WED \$45.07	THU \$39.83	FRI \$40.72			
Week end	ling May 22						
MON \$50.52	TUE \$44.60	WED \$32.16	THU \$31.76	FRI \$31.10			
AEP/Dayton 2016 5x16 price as of May 29 — \$41.97							
AEP/Dayt	ton 2016 5x10	price as of M	May 22 — \$43	3.08			

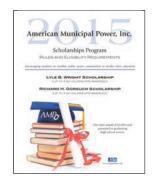
AMP announces 2015 scholarship recipients

By Karen Ritchey - manager of communication programs

The AMP Board of Trustees announced the 2015 scholarships recipients last week and eight high school seniors are being recognized:

Richard H. Gorsuch Scholarship

Courtney Rode of Bryan, daughter of Laura Rode, City Clerk-Treasurer



- Katelyn Krieger of Piqua, daughter of Ed Krieger, Power System Director
- Nicholas Reed of Oberlin, son of Amy Reed, Finance
- Landon Holley of Danville, son of Jennifer Holley, Division Director of Support Services

Lyle B. Wright Scholarship

- Max Bieryla of Front Royal
- Cole Massie of Jackson
- Anna Davies of St. Clairsville
- Hartlee Johnston of Westerville

The Lyle B. Wright Scholarship is named in honor of the former Bowling Green, Ohio, utilities director who was a strong public power advocate and served on AMP's Board of Trustees from 1979 until his death in 1986. The \$2,000 Wright scholarships are awarded to graduating seniors whose household receives electricity from an AMP member utility.

The Richard H. Gorsuch Scholarship is named for the former AMP president, who served from 1983 until his death in 1987. The \$2,000 scholarships are awarded to graduating seniors whose parent or guardian is an employee of either a member municipal electric system or AMP, or is an elected official with responsibility for the electric system.

Since 1988, \$272,000 has been awarded to deserving high school seniors through the scholarship programs.

For more information on AMP's scholarships, please contact me at kritchey@amppartners.org or 614.540.0933, or visit the scholarship section of the AMP website.

Cox joins AMP team

By Jolene Thompson – senior vice president & OMEA executive director

Nicole Cox has joined AMP in a fulltime capacity as administrative assistant to the Member Services & External Affairs Department.

Cox had previously been working as a temporary employee, assisting in AMP's human resources area. She studied media arts in Los Angeles and



Nicole Cox

is pursuing a degree at the Ohio State University. Her background is in communications, filmmaking, marketing and public relations. She also worked in wealth management and corporate security for a Fortune 500 banking institution.

Please join me in welcoming Nicole to AMP.

Staff races for a cure

By Lisa McAlister - deputy general counsel FERC/RTO affairs

AMP staff, friends and family participated in the 23rd annual Komen Columbus Race for the Cure on May 16.



The 2015 Komen race had a total of approximately

31,755 participants who showed support for breast cancer survivors and remembered those who have died from the disease.

The AMP team exceeded our set goal of funds to be raised. A total of \$2 million was raised by all of the participants in the Race for the Cure event, which supports research and local breast cancer programming for underserved and underinsured women.

The Our Health Matters team is the employee wellness program of AMP and provides employees with education, activities and resources to promote a healthier lifestyle based upon five pillars of wellness: physical, social, community, financial and career.

For more information on the Komen Columbus Race for the Cure, please visit <u>komencolumbus.org</u>.

Calendar

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

June 2—PMEA Legislative Reception Harrisburg Hilton, 1 N. Second St. Harrisburg, Pennsylvania

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

June 5-10—APPA National Conference *Minneapolis, Minnesota*

Classifieds

Marshall seeks utility engineer

The City of Marshall is now accepting applications for an Electric Utility Engineer. This position is responsible for the planning, engineering, design, and project management of electric utility system addition and improvement projects. Electric utility engineer is also responsible for the development and technical management of electric utility SCADA and fiber optic systems.

Position performs electric system load analysis and makes recommendations for proper utilization of system assets, operates and maintains the City's GIS program and creates various Auto Cad Drawings. Starting pay \$55,000 - \$60,000 DOQ plus benefits. Apply online at cityofmarshall.com. Deadline to apply is June 22, 2015. EOE M/F/H/V

Columbus encourages candidate applications for safety technician

The City of Columbus Department of Public Utilities is seeking qualified candidates for the position of Safety Technician. To apply, candidates must first take the open competitive examination. Applications must be submitted to the Civil Service Commission by applying online at www.csc.columbus.gov by June 10, 2015. Paper applications are available at the Civil Service Commission. Applicant Tracking is now managed by NEOGOV. If candidates do not already have a profile in NEOGOV, they will have to set up a new one in NEOGOV before submitting an application.

Under general supervision, safety technician is responsible for implementing safety policies and procedures and ensuring compliance with all safety related requirements. This position will also perform related duties as required. Must have an associate's degree in a safety related field and one year of experience in safety inspection, safety education or training, or safety program development or management, or safety engineering. Substitution(s): Additional experience as specified may substitute for the educational requirement on a year-for-year basis. (30 semester/45 quarter credit hours equals one year). Must possess a valid driver's license. Salary \$39,020 - \$51,376. Contact the Civil Service Commission at 614.645.8300 with questions. EOE

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 <u>ttucker@amppartners.org</u>.

Vice President of Transmission – This position will participate in the appropriate RTO (MISO, PJM, etc.)

stakeholder committees as an advocate of AMP related to transmission and reliability; develop strategies related to influencing, interpreting, and implementing the rules and regulations developed by FERC and RTOs; keep staff and members abreast of regulatory issues which impact transmission, ancillary services and wholesale markets.

Candidates must have a four-year accredited degree in engineering required; licensed Professional Engineer preferred. Must have a minimum of 15 years' of utility experience in transmission operation, planning or transmission tariff analysis. Knowledge of PJM and MISO transmission expansion processes preferred and must have a working knowledge of the wholesale electric energy marketplace and the impact of transmission.

Belleville Plant Operator – This position functions as a control room operator, starting and stopping units, coordinating unit discharge rates, monitoring and maintaining upstream pool, taking and reporting hourly readings of distribution metering, unit blade positions, unit temperatures, and dissolved oxygen monitoring equipment. Also cleans debris from intake screens, acknowledges and responds to faults or alarms, performs other plant maintenance on equipment throughout the plant. Candidates should have a two- or four-year degree in mechanical or electrical engineering or engineering technology and two years of experience in plant operations, or; three to five years of experience in power plant operations. Experience with Allen Bradley PLCs and welding experience are helpful.

Power Supply Planning Engineer I – This 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.

Information Systems Intern – This position monitors the IT Support Application, resolves as many tickets as possible, and assigns remaining tickets to second level support. Also provides network preventative maintenance services to ensure network integrity, assists with acquisition and deployment of hardware, software and services, monitors and reviews system generated alerts, and perform and maintain inventories. Candidates must be currently enrolled at an accredited college or university.

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 spon-

sorships 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. Resumés 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

APPA Academy Webinar Series



An internet connection and a computer are all you need to educate your entire staff for just \$89. Register today at PublicPower.org/APPAAcademy. Non-APPA members enter coupon code **AMP** to receive the member rate.

- Public Utility Governance Webinar Series:
 Overview of Utility Financial Operations for Board and Council Members June 16
- Accounting and Finance Webinar Series: Accounting Standards and Reporting Framework Update June 18
- Accounting and Finance Webinar Series: Industry Rate Trends and Future Rate Structures July 9
- Public Utility Governance Webinar Series: Rate
 Making for Utility Boards and City Councils July 14
- Negotiating Power Purchase Agreements: A Practical Guide July 22





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