Memorandum

To: Mayor & Members of CouncilFrom: Monica Irelan, City ManagerSubject: General InformationDate: June 12, 2015

CALENDAR

AGENDAS

Monday, June 15, 2015

6:00 pm – Electric Committee and Board of Public Affairs

- I. Approval of Minutes the minutes from the May 11, 2015 meeting are enclosed
- II. Review/Approval of Power Supply Cost Adjustment Factor for June the billing determinants for June are attached.
- III. Electric Department Report
- IV. Discussion Regarding AMP Gas Generators someone from AMP will be at the meeting to talk about the gas generators

7:00 pm - City Council in Joint Session with the Water/Sewer Committee

- C. SWEARING IN OF FIREFIGHTERS
- D. APPROVAL OF MINUTES The Special Meeting and Regular Meeting minutes from June 1, 2015 are enclosed.
- H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS
 - 1. Resolution No. 031-15 a Resolution of Necessity regarding Roundhouse Road
- I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS
- J. THIRD READINGS OF ORDINANCES AND RESOLUTION
 - 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

K. GOOD OF THE CITY (Discussion/Action)

- 1. Recommendation to Approve June Power Supply Cost Adjustment Factor
- 2. Approval of United Way Donation for Safety City: \$850.00

- 3. Approval of PC 15-02 Conditional Use Permit 2950 Enterprise Avenue a copy of the documents presented to the Planning Commission are enclosed.
- 4. Water Treatment Plant Update by the City Manager
- 5. Review of City Water and Sewer Rules

INFORMATIONAL ITEMS

- 1. Enclosed is a copy of Greg's letter that was sent to the Henry County Republican Party on the Council Vacancy as of June 30, 2015
- 2. CANCELLATIONS
 - a. Parks & Rec Committee Meeting
 - b. Healthcare Cost Committee Meeting
- 3. AMP WEEKLY UPDATE/JUNE 5, 2015
- 4. AMP Informational Brochure: Hydropower: Building for the Future
- 5. Public Power Connections/Summer Edition 2015
- 6. OML Legislative Bulletin/June 5, 2015

MI:rd

Records Retention - CM-11 - 2 Years

Monthly Calendar

June 1 - 30, 2015

CouncilCalendar



Oalendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2	3	4	5	6
	6:00 PM Personnel Committee Mtg.				7:00 PM Rally in the Alley	
	6:55 PM 2016 Tax Budget					
	Public Hearing					
	7:00 PM City COUNCIL					
	Meeting					
	incering					
			10	44	10	10
7	8	9	10	11	12	13
			8:00 PM Personnel Comm.	Greg Heath - Out	Greg Heath - Out	
		Mtg.				
		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					
	7:00 PM CITY COUNCIL Meeting in Joint Session with Water/Sewer Committee					
	water/Sewer Committee					
21	22	23	24	25	26	27
21		20		20		<u> </u>
	6:30 PM FINANCE & BUDGET Committee Meeting		6:30 PM Parks & Rec Board Meeting		6:00 PM Henry County RIBFEST	
	7-20 DM CAFETY & HUMAN		Meeting		KIDFEJ I	
	7:30 PM SAFETY & HUMAN RESOURCES Committee					
	Meeting					
28	29	30	1	2	3	4
	5th Monday/No Scheduled Mee				HOLIDAY - Closed - July 4th H	
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City of Napoleon, Ohio

Electric Committee

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

Special Meeting Agenda

Monday, June 15, 2015 at 6:00pm

- I. Approval of Minutes (In the absence of any objections or corrections, the Minutes shall stand approved)
- II. Review/Approval of the Power Supply Cost Adjustment Factor for June: PSCAF three (3) month averaged factor: -\$0.00051 JV2: \$0.043314 JV5: \$0.043314
- III. Electric Department Report
- IV. Discussion regarding AMP Gas Generators
- V. Any other matters currently assigned to the Committee
- VI. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio Electric Committee Meeting Minutes Monday, May 11, 2015 at 6:30pm

PRESENT	
Members	Travis Sheaffer – Chair, John Helberg, Jason Maassel
Board of Public Affairs	Keith Engler – Chair, Mike DeWit, Dr. David Cordes
City Staff	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 Operations
	Scott Hoover, Water Treatment Plant Superintendent
Recorder	Tammy Fein
Others	News Media; John Courtney and John Wiesing, Courtney & Associates;
	Frank Godwin, Village of Liberty Center; Nick Rettig, Henry County
	Water/Sewer
ABSENT	Jeffrey Marihugh
Coll To Ordon	Chairman Engler called the masting to order at 6:30pm
Call To Order	Chairman Engler called the meeting to order at 6:30pm. Chairman Sheaffer called the meeting to order at 6:30pm.
	Chairman Shearrer caned the meeting to order at 0.50pm.
Approval Of Minutes	The April 13 meeting minutes stand approved as presented with no
Approval of Minutes	objections or corrections.
Review Of Power Supply Cost	The electric Power Supply Cost Adjustment Factor for May was presented
Adjustment Factor	for review. DeWit believes this is the first credit that has been received
9	since June 2013; Heath reminded the Committee that this structure was
	implemented in January and the previous credit set up the history for the
	Power Supply Cost Adjustment Factor (PSCAF) three (3) month rolling
	average. DeWit asked if this figure was ever calculated as to how it
	affects the average billed customer; Heath stated this information is
	included in the packet. DeWit believes that the monetary amount that the
	PSCAF represents should be listed to demonstrate that other factors
	including cold temperatures can increase the consumer's bill, adding that
	the increase due to the PSCAF is minimal. Heath stated that this is the last
	month that the AMP credit will be listed; next month the Fund will start
	paying itself back.
BOPA Motion To Recommend	Motion: DeWit Second: Cordes
Approval Of Power Supply Cost	To recommend approval of Power Supply Cost Adjustment Factor for May
Adjustment Factor	2015 as follows: (2) (2) (3) (3) (4) (5) (6) (6) (14)
	Three (3) month averaged factor: -\$0.00148
	JV2: \$0.053406
	JV5: \$0.053406
Passed	Roll call vote on above motion:
Yea- 3	Yea- Cordes, DeWit, Engler
Nay- 0	Nay-
1 144 V	

Motion To Accept BOPA Recommendation For Approval Of Power Supply Cost Adjustment Factor	Motion:MaasselSecond:HelbergTo accept the BOPA recommendation for approval of Power Supply CostAdjustment Factor for May 2015 as follows:Three (3) month averaged factor:-\$0.00148JV2:\$0.053406JV5:\$0.053406
Passed Yea- 3 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer Nay-
Electric Department Report	Clapp gave the Electric Department Report. Cordes asked if the broken wire listed was an older copper wire or a newer copper and steel mix wire; Clapp replied that it was the copper and steel mix wire that was flexed too often from the wind and snapped.
Any Other Matters To Come Before The Board	None
BOPA Motion To Adjourn	Motion: DeWit Second: Cordes To adjourn the BOPA meeting at 6:46pm
Passed Yea- 3 Nay- 0	Roll call vote on above motion: Yea- Cordes, DeWit, Engler Nay-
Any Other Matters To Come Before The Committee	None
Electric Motion To Adjourn	Motion: Maassel Second: Helberg To adjourn the Electric Committee meeting at 6:46pm
Passed Yea- 3 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer Nay-
Date	Travis Sheaffer, Chair

Electric Department Report May 2015

There were 9 callouts/outages during the month of May. One outage was due to a squirrel in primary wires on a transformer. Three callouts were due to traffic signal problems at Riverview and Perry. One outage was a bad primary underground. One outage was due to a bad fuse at one customers transformer. One outage was due to a customer tearing down his own service with truck. One callout was the customers problem with a breaker box. One callout was a tree limb laying on the primary **wire**.

Line Department / Service Truck: Line crews installed a new pole and relocated secondary for new home construction on Hurst Drive. Line crews trimmed trees at 585 W. Main and completed temp service on road P-1. Crew members drilled holes for cement posts at City Administration Building. Crews replaced poles at F&M bank on Scott Street. Crews helped Ops install boat docks. Crews installed new underground service on road 16. Crews installed new three phase recloser behind WalMart and pulled utility pole at 129 Hurst Drive. Crews performed tree well maintenance downtown. Crews attended monthly Safety Class. Crews replaced transformer and Primary URG at Wastewater Plant. Crews straightened poles on Scott Street and helped remove trees on W. Main Street. Crews worked on Road 16 and Road 12 rebuilds and installed URD on West Main. The service truck completed work orders and locates as needed.

Substation Department: Todd and Nikk performed routine substation and tap changer maintenance and performed monthly checks on all substations.

Forestry Department: Jamie Howe and Jerry Courtney performed tree maintenance at 585 W. Main, Oakwood Ave., alley between W. Main and W. Washington, Daggett Street, Haley Street, Twin Oaks, Leonard Street, Park Lane, South Perry and performed mowing to help out other crew members.

Storeroom/Inventory/Metering Department: Shawn Druhot read meters, cleaned inventory and performed purchasing duties for inventory.

The Peak Load for May, 2015 was 22.90 MW occurring on the 18th at 4:30 PM. This was a decrease of .55 MW from May, 2014. The average load for May, 2015 was 16.43 MW. This was an increase of .28. MW from May 2014. JV 2 and JV 5 did not run. The Gas Turbines ran on 5/21/2015 and produced 11.90 MW and again on 5/22/2015 and produced 40.60 MW. The AMP Solar Field showed a peak of 3.58 MW and the KWH output was 476,274.25.

06/02/15 DPC

City of Napoleon, Ohio



SUMMARY OF MAY 2015 OUTAGE/STANDBY CALL-OUTS

May 16, 2015:

Electric personnel were dispatched at 7:25 a.m. to 310 Glenwood Ave. due to a power outage. The outage lasted one hour and affected one customer. The outage was due to an animal that blew a fuse. The personnel replaced the fuse.

May 17, 2015:

One employee was dispatched at 11:00 a.m. to Riverview & Perry for a traffic light. The employee replaced a bad load switch.

May 17, 2015:

One employee was dispatched at 3:50 p.m. to Front & Perry for a traffic light. The employee reset the monitor and checked the lights in all directions.

May 17, 2015:

Electric personnel were dispatched at 11:15 p.m. to the Waste Water Plant at 735 E. Washington St. due to a power outage. The outage lasted forty five minutes and affected one customer. The outage was due to a bad underground wire. The personnel replaced the primary underground wire.

May 18, 2015:

Electric personnel were dispatched at 5:31 p.m. to W. Riverview Ave. & N. Perry St. due to a traffic light failure. The personnel replaced a faulty conflict monitor.

May 19, 2015:

Electric personnel were dispatched at 3:05 a.m. to 12075 County Road M due to a power outage. The outage lasted one hour and affected one customer. The outage was due to a bad fuse. The personnel replaced the fuse.

May 23, 2015:

Electric personnel were dispatched at 11:30 a.m. to 1204 Detroit Ave. due to the resident knocking a branch into the electric service with his vehicle. The personnel secured the electrical service until the customer could get an electrician there for repairs.

May 24, 2015:

Electric personnel were dispatched at 6:52 a.m. to 923 Daggett Dr. due to a power outage. The outage was the customer's problem with his breaker box.

May 30, 2015:

Electric personnel were dispatched at 7:00 p.m. to 17537 State Route 6 due to a large tree limb lying on the primary wire. The personnel removed the tree limb.



NAPOLEON POWER & LIGHT



AMPO Generation

Starting: Ending:



System KVAR





Substation Transformer Load



Glenwood Feeder Load

Starting: Ending:



Industrial Feeder Load

Starting: Ending



Southside Feeder Load

Starting: Ending:



Glenwood Voltage



>

Industrial Voltage



Southside Voltage



2

÷ 1

Solar Field Output



City of Napoleon, Ohio

Board of Public Affairs (BOPA)

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

Special Meeting Agenda

Monday, June 15, 2015 at 6:00pm

- I. Approval of Minutes (In the absence of any objections or corrections, the Minutes shall stand approved)
- II. Review/Approval of the Power Supply Cost Adjustment Factor for June: PSCAF three (3) month averaged factor: -\$0.00051 JV2: \$0.043314 JV5: \$0.043314
- III. Electric Department Report
- IV. Discussion regarding AMP Gas Generators
- V. Any other matters to come before the Board
- VI. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio **Board of Public Affairs**

Meeting Minutes Monday, May 11, 2015 at 6:30pm

PRESENT			
Members	Keith Engler – Chair, Mike DeWit, Dr. David Cordes		
Electric Committee	Travis Sheaffer – Chair, John Helberg, Jason Maassel		
City Staff	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 Operations		
	Scott Hoover, Water Treatment Plant Superintendent		
Recorder	Tammy Fein		
Others	News Media; John Courtney and John Wiesing, Courtney & Associates;		
	Frank Godwin, Village of Liberty Center; Nick Rettig, Henry County		
ADCENT	Water/Sewer		
ABSENT	Jeffrey Marihugh		
Call To Order	Chairman Engler called the meeting to order at 6:30pm.		
Call 10 Order	Chairman Sheaffer called the meeting to order at 6:30pm.		
	Chairman Sheaner called the meeting to order at 0.30pm.		
Approval Of Minutes	The April 13 meeting minutes stand approved as presented with no		
Approval of Minutes	objections or corrections.		
Review Of Power Supply Cost	The electric Power Supply Cost Adjustment Factor for May was presented		
Adjustment Factor	for review. DeWit believes this is the first credit that has been received		
3	since June 2013; Heath reminded the Committee that this structure was		
	implemented in January and the previous credit set up the history for the		
	Power Supply Cost Adjustment Factor (PSCAF) three (3) month rolling		
	average. DeWit asked if this figure was ever calculated as to how it affects		
	the average billed customer; Heath stated this information is included in		
	the packet. DeWit believes that the monetary amount that the PSCAF		
	represents should be listed to demonstrate that other factors including cold		
	temperatures can increase the consumer's bill, adding that the increase due		
	to the PSCAF is minimal. Heath stated that this is the last month that the		
	AMP credit will be listed; next month the Fund will start paying itself back.		
	Motion: DeWit Second: Cordes		
Approval Of Power Supply	To recommend approval of Power Supply Cost Adjustment Factor for May 2015 as follows:		
Cost Adjustment Factor	Three (3) month averaged factor: -\$0.00148		
	JV2: \$0.053406		
	JV5: \$0.053406		
	μ υ. 000100		
Passed	Roll call vote on above motion:		
Yea- 3	Yea- Cordes, DeWit, Engler		
Nay- 0	Nay-		
•			
Motion To Accept BOPA	Motion: Maassel Second: Helberg		
BOPA/Electric 5/11/15	page 1 of 2		

Recommendation For Approval Of Power Supply Cost Adjustment Factor	To accept the BOPA recommenda Adjustment Factor for May 2015 a Three (3) month averaged factor: JV2: JV5:	
Passed Yea- 3 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer Nay-	
Electric Department Report	wire listed was an older copper win	nt Report. Cordes asked if the broken re or a newer copper and steel mix wire; er and steel mix wire that was flexed too
Any Other Matters To Come Before The Board	None	
BOPA Motion To Adjourn	Motion: DeWit To adjourn the BOPA meeting at	Second: Cordes 6:46pm
Passed Yea- 3 Nay- 0	Roll call vote on above motion: Yea- Cordes, DeWit, Engler Nay-	
Any Other Matters To Come Before The Committee	None	
Electric Motion To Adjourn	Motion: Maassel To adjourn the Electric Committe	Second: Helberg e meeting at 6:46pm
Passed Yea- 3 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer Nay-	
Date	Keith Engler, Chair	

City of Napoleon, Ohio

City Council

in Joint Session with

Water, Sewer, Refuse, Recycling & Litter Committee

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

Meeting Agenda

Monday, June 15, 2015 at 7:00pm

- A. Attendance (Noted by the Clerk)
- **B.** Prayer & Pledge of Allegiance
- **C.** Swearing In of Firefighters:
 - 1. Tobias Westhoven Firefighter/Paramedic
 - 2. David Bowen Firefighter/Paramedic
 - 3. Joel Frey- Captain
- **D.** Approval of Minutes: June 1 (In the absence of any objections or corrections, the minutes shall stand approved.)
- E. Citizen Communication
- F. Reports from Council Committees
 - 1. Parks & Recreation Committee did not meet on Monday, June 15 due to lack of agenda items.
 - 2. Electric Committee (Majority Report) met on Monday, June 15 and recommended:
 - a. Approval of June Power Supply Cost Adjustment Factor
 - **b.** Review of AMP Gas Generators
 - Personnel Committee met on Wednesday, June 10 in Executive Session to discuss:
 a. Employment of Personnel
 - **4.** Municipal Properties, Buildings, Land Use & Economic Development Committee did not meet on Monday, June 8 at the direction of the Chair.
- G. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Board of Public Affairs met on June 15 with the following agenda items:
 - a. Review of Power Supply Cost Adjustment Factor
 - **b.** Electric Department Report
 - c. Discussion regarding AMP Gas Generators
 - 2. Tree Commission did not meet on June 15 due to lack of agenda items.
 - 3. Board of Zoning Appeals did not meet on June 9 due to lack of agenda items.
 - 4. Records Commission met on June 9 with the following agenda items:
 - **a.** Review of Records Retention Schedules
 - 5. Planning Commission met on June 9 with the following agenda items:a. PC 15-02 2950 Enterprise Avenue Conditional Use
- H. Introduction of New Ordinances and Resolutions
 - 1. Resolution No. 031-15, a Resolution of Necessity regarding Roundhouse Road
- I. Second Readings of Ordinances and Resolutions There are no Second Readings of Ordinances and Resolutions
- J. Third 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
- K. Good of the City Any other business as may properly come before Council, including but not limited to:
 - Discussion/Action: Recommendation to approve June Power Supply Cost Adjustment Factor as follows: PSCAF three (3) month averaged factor: -\$0.00051 JV2: \$0.043314
 - JV5: \$0.043314
 - 2. Discussion/Action: Approval of United Way donation for Safety City: \$850
 - 3. Discussion/Action: Approval of PC 15-02 Conditional Use Permit 2950 Enterprise Avenue
 - 4. Discussion/Action: Water Treatment Plant Update by the City Manager
 - 5. Discussion/Action: Review of City Water and Sewer Rules

L. Executive Session: Employment of Personnel

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

Gregory J. Heath, Finance Director/Clerk of Council

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, July 13 @ 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, July 13 @ 7:00 pm) 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Mondav) (Next Regular Meeting: Monday, July 13 @ 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, July 20 @ 6:15 pm) 6. Finance & Budget Committee (4th Monday) (Next Regular Meeting: Monday, June 22 @ 6:30 pm) 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, July 13 @ 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, July 14 @ 4:30 pm) 3. Planning Commission (2nd Tuesday) (Next Regular Meeting: Tuesday, July 14 @ 5:00 pm) 4. Tree Commission (3rd Monday) (Next Regular Meeting: Monday, July 20 @ 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, December 8 @ 4:00 pm) 9. Housing Council (1st Monday of the month after the TIRC meeting) 10. Health Care Cost Committee (As needed) 11. Preservation Commission (As needed) 12. Infrastructure/Economic Development Fund Review Committee (As needed) 13. Tax Incentive Review Council (As needed) 14. Volunteer Firefighters' Dependents Fund Board (As needed) 15. Lodge Tax Advisory & Control Board (As needed) 16. Board of Building Appeals (As needed) 17. ADA Compliance Board (As needed) **18.** NCTV Advisory Board (As needed)

City of Napoleon, Ohio City Council Special Meeting Minutes - Public Hearing

Monday, June 1, 2015 at 6:55pm

PRESENT Council Members Mayor City Manager Law Director Finance Director/Clerk Of Council Recorder City Staff	Travis Sheaffer - President, Jason Maassel – President Pro Tem, John Helberg, Jeffrey Marihugh, Chris Ridley, Jeff Comadoll, Heather Wilson Ronald A. Behm Monica S. Irelan Trevor M. Hayberger Gregory J. Heath Tammy Fein Robert Weitzel, Police Chief Jeff Rathge, Operations Superintendent Chad Lulfs, Director of Public Works Clayton O'Brien, Fire Chief Bobby Stites, Assistant MIS Administrator
Others ABSENT	News Media; NCTV; Mike DeWit
Call To Order	President Sheaffer called the Public Hearing to order at 6:55pm.
2015 Tax Budget	 President Sheaffer reported that the hearing is to review the proposed 2016 Tax Budget and inside ten (10) mill levy rates allocated to the City. Heath distributed the 2016 Tax Budget, Schedules A and B memo; see attached. Heath stated that this Public Hearing is a requirement of the ORC, with the 2016 Tax Budget attached to Ordinance No. 026-15 which will be in its Third Reading at tonight's Council meeting. Heath reported that in the past the Tax Budget was used for the purpose of determining the undivided local government funds; explaining the origin of the Tax Budget and it's various subdivisions within the county. Heath stated that it now reflects the certification of the inside ten (10) millage rates, and the City's inside rate is 2.9 mills; Heath listed the mills and stated the total estimated evaluation is approximately \$140,680,550 which is down by approximately \$4 million dollars from last year in terms of valuation, which the Auditor's Office has stated is primarily on the Residential side.
Public Comment	President Sheaffer asked if anyone in the audience wished to give public comment; no response.
Motion To Close Hearing	Motion: Ridley Second: Comadoll To close the public hearing at 6:58pm
Passed Yea- Nay-	Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-

Date Approved:

Travis B. Sheaffer, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council



City of Napoleon, Ohio **City Council Meeting Minutes** Monday, June 1, 2015 at 7:00pm PRESENT Travis Sheaffer - President, Jason Maassel - President Pro Tem, Jeff Council Comadoll, John Helberg, Jeffrey Marihugh, Christopher Ridley, Heather Wilson Ronald A. Behm Mayor **City Manager** Monica S. Irelan Law Director Trevor M. Hayberger **Finance Director/Clerk Of** Gregory J. Heath Council Tammy Fein Recorder Chad Lulfs, Director of Public Works **City Staff** Clayton O'Brien, Fire Chief Jeff Rathge, Operations Superintendent Bobby Stites, Assistant MIS Administrator Robert Weitzel, Police Chief News Media; NCTV; Mike DeWit Others ABSENT Council **City Staff** President Sheaffer called the meeting to order at 7:00pm with the Lord's **Call To Order** Prayer followed by the Pledge of Allegiance. Minutes of the May 11 and May 18 Council meetings stand approved with no **Approval Of Minutes** objections or corrections. None **Citizen Communication** The Technology & Communication Committee did not meet tonight due to **Committee Reports** lack of agenda items. The Finance & Budget Committee did not meet on Tuesday, May 26 due to lack of agenda items. The Safety and Human Resources Committee did not meet on Tuesday, May 26 due to lack of agenda items. Chairman Sheaffer reported that the Personnel Committee met on Thursday, May 28; Friday, May 29 and June 1 to discuss the review of personnel matters in Executive Session, and no action was taken. **Introduction Of Resolution** Hayberger reported that Resolution No. 031-15 is not ready at this time. No. 031-15 Sheaffer Moved The Agenda Sheaffer moved the Agenda; no objections. **Second Read Of Ordinance** President Sheaffer read by title Ordinance No. 029-15, an Ordinance amending various sections of the Rules and Regulations of City Council for the City of No. 029-15 Napoleon

Motion To Approve Second Read	Motion: Maassel Second: Wilson To approve Second Read of Ordinance No. 029-15
Discussion	Hayberger reported that there are no changes to the Ordinance since the First Read.
Passed Yea- 7 Nay- 0	Roll call vote to approve Second Read of Ordinance No. 029-15 Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-
Second Read 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 Second Read	Motion:RidleySecond:MaasselTo approve Second Read of Ordinance No. 030-15
Discussion	Hayberger reported that there are no changes to the Ordinance since the First Read.
Passed Yea- 7 Nay- 0	Roll call vote to approve Second Read of Ordinance No. 030-15 Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-
Third 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 Pass On Third Read	Motion: Comadoll Second: Ridley To pass Resolution No. 026-15 on Third Read
Discussion	Heath stated this Resolution was the purpose of the earlier Public Hearing, adding that there are no changes to the Resolution since the Second Read.
Passed Yea- 7 Nay- 0	Roll call vote to pass Resolution No. 026-15 on Third Read Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-
GOOD OF THE CITY Discussion/Action	
Award Of 2015 Miscellaneous Street Improvements Project	Irelan reported that the bids for the 2015 Miscellaneous Street Improvements Project were read on Wednesday, May 27, with one (1) bid being submitted from Gerken Asphalt Paving, Inc. with a base bid total of \$175,577.35. Irelan reported that the published Engineer's estimate for this project is \$200,000 and the project consists of resurfacing Independence Drive from Industrial Avenue to Enterprise Avenue, and Daggett Drive from Huddle Road to West Maumee Avenue, including the following alternates; Fairview Drive from West Maumee Avenue to the dead end in the amount of \$59,043.35; patch on Commerce Drive near East Riverview Avenue in the amount of \$4,594.25; and patch on Enterprise Drive near American Road in the amount of \$4,828.70. Irelan recommended that Council award the 2015 Miscellaneous Street Improvements Project contract, including all alternates, to Gerken Asphalt

the new salt shed totaling approximately \$150,000. Comadoll **Motion To Award The** Motion: Ridlev Second: **2015 Miscellaneous Street** To award the 2015 Miscellaneous Street Improvements Project Contract to Gerken Asphalt Paving, Inc. in the amount of \$244,043.65 **Improvements Project Contract To Gerken Asphalt Paving, Inc.:** \$244,043.65 Roll call vote on above motion: Passed Yea-6 Yea- Maassel, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay-0 Nay-Abstain-1 Abstain-Helberg Irelan reported that the bids for the 2015 Street Striping Project were read on Award Of 2015 Street **Striping Project** Wednesday, May 27, with two (2) bids being submitted by Zimmerman Paint Contractors Co. in the amount of \$88,019.83; and A&A Safety, Inc. in the amount of \$129,019.18. Irelan reported that the Engineer's estimate for this project is \$100,000; adding that the project consists of restriping City streets and parking lots. Irelan recommended that Council award the 2015 Street Striping contract to Zimmerman Paint Contractors Co. in the amount of \$88,019.83. Maassel asked the maximum variance regarding a contract bid; Irelan reported that the maximum variance for bids is generally ten percent (10%), however the maximum variance for this bid is twenty percent (20%)over the published amount; Lulfs added that the bid from A&A Safety was not considered due to the overage in the bid amount; Hayberger added that the A&A Safety bid packet had items missing that were required to be included at the bid opening. Motion To Award 2015 Motion: Marihugh Second: Comadoll To award the 2015 Street Striping contract to Zimmerman Paint Contractors **Street Striping Contract To Zimmerman Paint** Co. in the amount of \$88,019.83 **Contractors Co.:** \$88,019.83 Passed Roll call vote on above motion: Yea-7 Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-0 Nay-**Approval Of Plans**, Irelan reported that as part of the approved 2015 Final Budget, the pickup Specifications, truck used by the Operations Superintendent was budgeted for replacement; **Documentation And** the budget for this item is \$26,900 and divided among the following accounts: **Contracts For NewTruck** Capital Improvement Fund \$5,380.00; 20% **For The Operations** Water Revenue Fund 20% \$5,380.00; Sewer Revenue Fund Department 20% \$5,380.00; Sewer Revenue Fund 10% \$2,690.00: and Sanitation Revenue Fund 30% \$8,070.00. Irelan reported that there is a 2015 Ford XL four wheel drive, four (4) door truck available off State contract for \$27,400.78; adding that this cost exceeds

Paving, Inc. in the amount of \$244,043.65; adding that the additional required funding of \$44,043.65 can be allocated from the estimated unused portion of

the budgeted amount. Irelan reported that the City's head mechanic has concerns with this vehicle; past experience with aluminum panels shows that Approval Of Plans, Specifications, Documentation And Contracts For NewTruck For The Operations Department (Continued)

Motion To Approve The Plans, Specifications, Documentation And Contracts For New Truck For The Operations Department

Passed Yea- 5 Nay- 2

<u>Good Of The City</u> (Cont.) Sheaffer

the paint peels off within a few years; another concern raised is the location of the nearest Ford dealership being in Archbold; any warranty work or parts necessary would require a trip to Archbold which is currently approximately one (1) hour roundtrip, causing long term cost concerns. Irelan submitted specifications and requested approval to put the truck out for bid. Marihugh asked why the specifications were not included in the Council packet; Irelan stated there is always a copy to be viewed at City Hall; Marihugh requested the specifications for vehicles be included in the packet. Marihugh asked why a four (4) door pickup is required; Irelan replied that this vehicle is used as a backup to transport the trustees from CCNO as necessary. Marihugh stated that he visited the cooperative purchasing website and found a half ton, four wheel drive extended cab pickup truck for \$25,085.28, and a three quarter ton extended cab pickup truck for \$26,476, both quotes being for two (2) door pickup trucks. Irelan stated that the Public Works Department presented an expenditure during the budget discussions for a new half ton, four wheel drive, four (4) door, shortbed pickup truck to be used as the backup transport for the trustees when necessary along with carrying the mosquito sprayer; the four (4) door vehicle is important to allow for the transport of the trustees. Maassel asked how often the vehicle was used for that purpose; Rathge stated the truck was used for approximately six (6) weeks, both in the morning and the afternoon for transport. Behm asked if the bid would be opened locally; Irelan stated that parameters cannot be set however local dealers should bid, and any amount over the budgeted amount would be brought before Council for approval. Irelan requested Council approval of the specifications, plans documentation and contracts regarding the new truck for the Operations Department, including having four (4) doors on the vehicle; Irelan reminded Council that the trustees allow the City to run the refuse and recycling service and she believes without them the service would not be offered by the City; Marihugh disagreed, stating that the City has run the service for years without the trustees.

Motion: Ridley Second: Wilson To approve the plans, specifications, documentation and contracts for the new truck for the Operations Department

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

Sheaffer moved the Electric Committee meeting from Monday, June 8 at 6:30pm to Monday, June 15 at 6:00pm, adding that the BOPA meeting will move to that time as well.

Sheaffer stated that the Water, Sewer, Refuse, Recycling & Litter Committee meeting will move from Monday, June 8 at 7:00pm to a joint session with Council on Monday, June 15 at 7:00pm.

Sheaffer received and read into public record a letter from Heather Wilson resigning from Council as of Tuesday, June 30, 2015; see attached.

Motion To Accept Wilson's Resignation From Council	Motion: Marihugh Second: Comadoll To accept Wilson's resignation from Council		
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-		
	Sheaffer requested an Executive Session to discuss the employment of personnel.		
Behm	None		
Helberg	None		
Marihugh	Marihugh asked the status of the Hogrefe properties on Riverview Avenue, Commerce Drive, and Independence Drive; Hayberger stated the parties were given letters stating a date to comply and the next step will be court.		
	Marihugh stated that he would like the Law Director to research what documents would be required to cancel all water contracts with the Henry County Water Sewer District (HCWSD) effective as soon as possible. Marihugh believes that the HCWSD is trying to compete with the City, adding that he believes as both a water professional and councilman that the City has done nothing unfair to any of the satellite customers, and gives the the best rates and service as possible, all within the current contracts for each satellite customer; Marihugh believes terminating the HCWSD contract is best for the City.		
Motion To Direct Law Director To Research Necessary Documents To Terminate All Water Contracts With HCWSD; To Execute Documents Upon Council Approval And Supply Water To Any Current Customers Individually	Motion: Marihugh Second: Comadoll Maassel asked how terminating the HCWSD contract may affect the City; Irelan replied that terminating this contract would create a three (3) year window from the date of the termination letter, adding that the HCWSD has done nothing to breach the current contract; after the three (3) year timeframe, the master meters would be turned off that feed HCWSD customers such as the Filling Home, Keller Trucking, Malinta, McClure and all other customers that are fed from the HCWSD meters. Wilson asked if this initial step is merely to gather the necessary information to begin the process; Hayberger stated this information would be used to create a formal Resolution to terminate the HCWSD water contracts with the City. Helberg asked if water would still be supplied to the individual satellite customers; Irelan stated that Malinta has asked to terminate their contract with the City and become a customer of the HCWSD, and this would cause Malinta and McClure to no longer be supplied water by the City. Helberg asked if separate agreements to provide water to the individual satellite customers through the same master meters for their locations would be welcomed; Irelan restated that Malinta has requested to terminate their contract with the City and become a customer of the HCWSD, and there are some customers that could not be supplied water by the City through the same lines due to their location in a HCWSD service area, including Malinta and McClure. Irelan stated that the contract termination would allow the HCWSD three (3) years to set up lines for their customers; Heberg believes this will cause the HCWSD to connect with Defiance County or Wood County to supply the HCWSD customers with water, and believes that this will increase the cost to City residents. Hayberger stated that this is		

Marihugh Temporarily Withdrew The Motion; Comadoll Temporarily Withdrew The Second

Irelan

merely research as to how to terminate the HCWSD contract as soon as possible; Hayberger will research this and bring the information before Council. Heath reminded Council that the City had supplied water to the satellite customers prior to the HCWSD, adding that there is a rate in place for customers outside the City limits that are supplied water by the City, adding that the contract with the HCWSD is a rate contract, which could create a higher rate for these customers; Helberg agreed, adding that this would be the case as long as the customers do not connect to another line. Behm stated that the satellites are already discussing going with another source. Behm believes the City should give the satellite customers a deadline to decide if they will remain as City customers. Helberg agreed, stating that he believes the satellite customers should be allowed to choose when they decide whether to remain a City customer, the City should not force them. Behm replied that he believes the City should give the satellite customers a deadline to decide if they are to remain as City customers instead of the City being forced by their hand. Behm added that the City has been a good partner to the satellite customers up to this point and has offered many options to the satellite customers, with a proposal offered since September 2014 that was not acted on by the satellite customers, along with many discussions as well as offering to create an advisory board regarding rates. Behm believes that the satellite customers are looking for any other option other than working with the City, including considering creating a well and building a new water treatment plant of their own; Behm restated that he cannot understand how the customers who were unanimously in favor of building the new plant at a much higher cost are now not in favor of the lesser costs of the rehabilitation. Behm added that he is still in favor of working this issue out with the HCWSD due to the impact on City residents. Marihugh believes that the satellite customers are contemplating building a plant on the river that is the same size as the City plant which may cause direct competition with the City. Sheaffer believes that the satellite customers' issue with the City is focused on control. Maassel agrees with Behm regarding setting a deadline, adding that the rate could be increased if the satellite customers agree to remain with the City after the given deadline; Maassel added that he would like the satellite customers to remain as customers. Marihugh stated that he does not like the direct competition and the impact of the rates of City of residents. Wilson encourages the HCWSD to come to the City with a fair comparison of costs and discuss this information with Council. Irelan stated that the HCWSD is working on a proposal to discuss at the June 15 joint meeting of the Water, Sewer, Refuse, Recycling & Litter (WSRRL) Committee and Council.

Marihugh withdrew his Motion until Irelan discusses the Malinta information; Comadoll agreed and withdrew his Second as well.

Irelan stated that Malinta wants to terminate their contract with City and become a customer of the HCWSD; this was approved by Council in September 2013. Irelan reported that this was originally discussed in the WSRRL Committee in September 2013; McClure was put under Findings & Orders by the EPA and did not respond in a timely fashion, the issue was then forwarded to the Chicago EPA which gave McClure a list of items that were to be handled in order to keep their water treatment plant; McClure then asked HCWSD to help, and the HCWSD determined that the best quality of water at the lowest cost could be obtained by extending the water line from Grelton to McClure. Irelan reported that the EPA was to permit that line as long as the HCWSD decommissioned the McClure water plant by September 30, 2013; the HCWSD did not meet that deadline, and in attempt to speed up the process the HCWSD asked if they could take over the Malinta water contract from the City, allowing the HCWSD to purchase water from the City to distribute to Malinta and McClure. Irelan reported that the WSRRL Committee referred this request to Council and Council passed a Resolution under an Emergency Clause to terminate and assign the Malinta water contract to the HCWSD, with the benefit to the City of the additional McClure customers; the Resolution authorized the City Manager to execute any and all documents necessary to terminate the water contract with Malinta and assign the contract to the HCWSD; this would help settle the issues that the HCWSD and McClure were having with the EPA. Irelan stated that a few steps were missed in the rush to finish this termination, including amending the HCWSD contract with the City which states that the HCWSD is forbidden from selling water to Malinta since Malinta is not in the HCWSD service area. Irelan informed the HCWSD that they must bring an amendment to the contract to Council; without the amendment, it is a breach of contract for the HCWSD to sell water to Malinta. Irelan reported that she has asked the HCWSD to create the amendment for Irelan to bring before Council; Irelan hopes to have this for the next Council meeting. Irelan stated that she wanted this information to be discussed to show that it is not the City that is holding up this issue, as she has been discussing this with the HCWSD for approximately a year and the City is just waiting on the amendment from the HCWSD to move forward. Helberg reminded Council that Malinta wanted to continue to buy water from the City and then sell the water to McClure at a higher rate, and this is what held up the EPA approval. Ridley believes that initiating a cancellation to the contract with the HCWSD before the next Council meeting may be premature; Helberg agreed, adding that the discussion is beneficial but it may not be prudent to act on the cancellation of the HCWSD contract yet.

Irelan stated that the City went into partnership with the Chamber of Commerce and the Henry County Historical Society to bring the Building Doctor program to the City; this program is a two (2) day program on October 22^{nd} and 23^{rd} involving issues with buildings built before 1955; participants can sign up online at the State Historic Preservation Office or at City Hall or at the Chamber of Commerce. Irelan reported that participants can request to have their building inspected; the program will be inspecting up to five (5) buildings within a five (5) mile radius of the Senior Center. Hayberger stated that the downtown would be the focus of the inspections; Irelan reported that this program is paid for with grant money.

None

Wilson asked if the issues regarding the empty properties that she discussed with Irelan and Lulfs have been addressed; Irelan stated they have been addressed.

None

Maassel asked the status of the Supreme Court decision regarding living in a state different than the state that the taxpayer is working in; Hayberger stated that the State is currently more concerned with State income tax cuts, and more information regarding this issue may be available later.

Heath

Wilson

Ridley

Maassel
	Maassel asked if Lucas County and Toledo withdraw from CCNO, how could this affect the City trustee refuse and recycling program; Irelan stated this would limit the ability of the City to provide the recycling service; adding that the City would most likely have to outsource this service.
Motion To Go Into Executive Session	Motion: Maassel Second: Wilson To go into Executive Session to discuss employment of personnel
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-
Into Executive Session	Council went into Executive Session at 7:47pm.
Motion To Come Out Of Executive Session	Motion: Maassel Second: Ridley To come out of Executive Session
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-
Out Of Executive Session	Council came out of Executive Session at 7:53pm. President Sheaffer reported that the discussion was regarding the employment of personnel and no action was taken.
Approval Of Bills	Bills and financial reports stand approved as presented with no objections.
Motion To Adjourn	Motion: Ridley Second: Wilson To adjourn the meeting.
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley Nay-
Adjournment	Meeting adjourned at 7:53pm.
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.

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 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/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 029-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

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 Quorum

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 PRO-TEM

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 <u>YES</u> OR <u>NO</u> 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 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 PRESIDENT PRO-TEM 3RD SENIOR 2ND SENIOR 5TH 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 theircompensation 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 elerk of council in conference 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 for this 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; 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 (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 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 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 pre-approved 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 payment of other bills that are authorized for a proper public purpose. Under no circumstances will alcoholic beverages be found to be a legitimate business expense for the purpose of this Rule and Rule 9.1.

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

SENT TO COUNCIL MAY BE DISCARDED PURSUANT TO THE PROPER RECORDS RETENTION SCHEDULE, WITHOUT FURTHER INQUIRY.
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 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/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 030-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

MPARD Sabety City Donation

220.4400.44350

\$850.00 UR# 10367

UNITED WAY OF HENRY COUNTY 08-83	10367
611 N PERRY ST	FMC Bank, NA 079
NAPOLEON, OH 43545-1701	6/4/2015
PAY TO THE City of Napoleon	\$ **850.00
Eight Hundred Fifty and 00/100*********************************	DOLLARS (DOLLARS (AUTHORIZED SIGNATURE

PC 15-02 Conditional Use 2950 Enterprise Ave.

MEMORANDUM

TO: Members of The City Planning Commission
FROM: Tom Zimmerman, Zoning Administrator
SUBJECT: Conditional Use
MEETING DATE: June 9, 2015 @ 5:00 PM
HEARING #: PC-15-02

BACKGROUND:

An application for public hearing has been filed by The Henry County Bank owners of 2950 Enterprise Ave. Napoleon, Ohio on behalf of Donald and Theresa Marshall. The applicant is requesting the approval of a Conditional Use Permit to allow the property to be utilized as trucking/retail facility. This property is located in a C-4, Planned Commercial Zone.

RESEARCH AND FINDING

- 1. Donald and Theresa Marshall owners of D&T Marshall Enterprises, LLC, plan to expand their company's current operations and relocate in Napoleon. Their business currently operates two trucks with two drivers. D&T intends to increase its transportation operation to ten trucks/ten drivers and to as many as 30 trucks/30 drivers in the future. Their transportation operation will also include maintenance and repair of vehicles and equipment owned by both D&T and its customers.
- 2. The commercial property and buildings provide ample space for D&T's current and proposed operations as well as the opportunity to re-establish the existing greenhouse/ garden center offering wholesale/retail sales, delivery of bulk products and sell flowers, plants, outdoor garden supplies and décor, including decorative small animal hutches, garden sheds, playhouses and garden furniture.

3. The nursery, greenhouse, transportation, material supply, commercial vehicle service and the truck parking require a Conditional Use in a C-4, Planned Commercial Zone. A Conditional use permit is not required for the retail center/sales in a C-4 Zone but the Marshall's requested the entire business plan be included in the Conditional Use Permit.

Proposed Permited Uses to be included in the permit

- A.) D&T, LLC can operate and park on the property as many as _____ tractors, trailers and straight trucks with ingress and egress from the property.
- B.) Parked equipment will be organized and will be in USDOT approved condition, licensed and insured.
- C.) Equipment unable to operate will be removed from the property or stored inside a building within _____ months from the date it first entered the lot.
- D.) D&T, LLC can perform maintenance and repair of customer owned vehicles, including agricultural, construction and commercial semi-trucks, semi-trailers, straight trucks and equipment, to meet Occupational Safety and Health Administration (OSHA) and USDOT requirements.
- E.) D&T, LLC can store and have for sale flowers, fruits and vegetables, trees, shrubs, gardening supplies, outdoor décor, sheds, hutches, bulk and bagged animal feed and supplies. Bulk stone, mulch sand and soils.
- F.) D&T, LLC can conduct planting and nurturing of plants, trees and shrubs to a mature state for the purpose of wholesale and retail sales.
- G.) The development shall be subject to all applicable requirements of the C-4 (Planned Commercial) Zone, to wit: Planning and Zoning, Building, Sign, and other administrative codes of the City applicable to this property, except as may otherwise be provided by the issuance of this permit.
- H.) No nuisance shall exist on the premises

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

HEARING NO. PC15-02

D&T Marshall Enterprises, LLC 2950 Enterprise Ave. Napoleon, Ohio

FINDINGS OF FACT RECOMMENDATIONS

The request is to allow the property to be utilized as trucking/retail facility. This property is located in a C-4, Planned Commercial Zone.

Based on evidence presented at the hearing, it is the Finding of this Commission as follows: That the factors listed in 1141.02 (e) (1-8) listed below have been met if the conditions A thru H in the Motion expressed by this Commission are followed.

1 (x) The proposed use is in fact a use subject to the issuance of a conditional use permit as established under the provisions of the City's planning and zoning Code, and that the use is not otherwise expressly prohibited by said planning and zoning Code; 2 (x) The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's master plan and the City's planning and zoning code;

3 (x) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area; 4(x) The use will not be hazardous or disturbing to existing or future neighboring uses;

5 (x) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse, disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services; 6(x) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

7 (x) The use will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and, 8 (x) The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Robert McLimans, Chairman of Planning Commission

NOTE: All must be marked Yes to Recommend Approval, unless a provision is determined and marked (NA) Not Applicable by the Commission

PLANNING COMMISSION REPORT

The Vote as to each member of the Planning Commission in the matter of PC15-02 regarding the recommendation of approval of the issuance of the Conditional use permit is as follows:

	Approval	Disapproval	Abstain
Robert McLimans, Chair	X		
Fredric Furney	X		
Tim Barry	X		
Marv Barlow			X
Ronald Behm, Mayor	X		

Reasons for Disapproval: (If there is disapproval of any Commission Member)

Member Reason Stated:

Member Reason Stated:

Member Reason Stated:

Member

Reason Stated:

Member Reason Stated:

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

REGARDING: HEARING NO. PC 15-02

D&T Marshall Enterprises, LLC 2950 Enterprise Ave. Napoleon, Ohio

MOTION

(x) **To recommend that City Council issues a conditional use permit.** Made by: Tim Barry Second by: Fred Furney

Conditions: That,

- A.). D&T, LLC can operate and park on the property as many as 30 tractors, trailers and straight trucks with ingress and egress from the property.
- B.) Parked equipment will be organized and will be in USDOT approved condition, licensed and insured.
- C.) Equipment unable to operate will be removed from the property or stored inside a building within 6 months from the date it first entered the lot.
- D.) D&T, LLC can perform maintenance and repair of customer owned vehicles, including agricultural, construction and commercial semi-trucks, semi-trailers, straight trucks and equipment, to meet Occupational Safety and Health Administration (OSHA) and USDOT requirements.
- E.) D&T, LLC can store and have for sale flowers, fruits and vegetables, trees, shrubs, gardening supplies, outdoor décor, sheds, hutches, bulk and bagged animal feed and supplies. Bulk stone, mulch sand and soils.
- F.) D&T, LLC can conduct planting and nurturing of plants, trees and shrubs to a mature state for the purpose of wholesale and retail sales.
- G.) The development shall be subject to all applicable requirements of the C-4 (Planned Commercial) Zone, to wit: Planning and Zoning, Building, Sign, and other administrative codes of the City applicable to this property, except as may otherwise be provided by the issuance of this permit.
- H.) No nuisance shall exist on the premises

Vote:	Yes	No	Abstain
Robert McLimans, Chair	_X		
Fredric Furney	_X		
Tim Barry	_X		
Marv Barlow			X
Ronald Behm, Mayor	X		













City of Napoleon, Ohio

Water, Sewer, Refuse, Recycling & Litter Committee in Joint Session with City Council

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

Special Meeting Agenda

Monday, June 15, 2015 at 7:00pm

- I. Approval of Minutes (In the absence of any objections or corrections, the Minutes shall stand approved)
- II. Water Treatment Plant Update by City Manager
- III. Review of City Water and Sewer Rules (Tabled)
- IV. Any other matters currently assigned to the Committee
- V. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

Water, Se	ewer, Refuse, Recycling & Litter Committee
	in Joint Session with City Council
	Meeting Minutes
	Monday, May 11, 2015 at 7:00pm
DDECENT	
PRESENT Water & Sewer Committee	Chris Ridley – Chair, John Helberg, Jeff Comadoll
Council	Travis Sheaffer – President, Jason Maassel – President Pro Tem, Jeff
	Comadoll, John Helberg, Jeffrey Marihugh, Chris Ridley, Heather Wilson
City Staff	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
Recorder	Tammy Fein
Others	News Media; John Courtney and John Wiesing, Courtney & Associates;
	Frank Godwin, Village of Liberty Center; Nick Rettig, Henry County
	Water/Sewer
Absent	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.
	no objections of corrections.
Review Of City Water Rate	Irelan stated that the purpose of this meeting is to define the process of
Structure And Allocations	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.
	Country reported that the Devenue Deviner ante and for stien -1:
	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 th
	river to the treatment plant, including pretreatment;
	Utilities – the costs associated with operating the water system;
	Chemicals – the costs associated with treating the water;
WSRRL 5/18/15	page 1 of 9
	10. =

City of Napoleon, Ohio

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

Review Of City Water And Sewer Rules (Tabled)

Any Other Matters To Come Before The Committee

WSRRL Motion To Adjourn

Passed WSRRL 5/18/15

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.

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

None

Motion: Comadoll To adjourn the meeting at 8:18pm Second: Wilson

Roll call vote on above motion:

page 8 of 9

Yea- Nay-	Yea- Wilson, Ridley, Maassel, Sheaffer, Helberg, Comadoll Nay-
Date	Chris Ridley, Chair





CITY OF NAPOLEON, OHIO

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

June 2, 2015

Mailed: Regular Mail 06/02/2015

Mr. Lowell Shank, Chairman Henry County Republican Party 16764 County Road U Napoleon, Ohio 43545

RE: Vacancy on City Council of Napoleon, Ohio, as of June 30, 2015

Dear Mr. Shank:

As Clerk of Council for the City of Napoleon, Ohio (City), I am informing you as the Chairman of the Henry County Republican Party that <u>Ms. Heather R. Wilson</u>, an elected City Council Person, has notified City Council of her <u>resignation to be effective on June 30, 2015</u> (*Please See Attached Resignation Letter*). This resignation creates a vacancy on City Council for the remainder of her unexpired term ending 01/01/2018. It is my understanding Ms. Heather R. Wilson was a registered Republican when she last ran and was elected.

Pursuant to City Charter, Section 2.08 Vacancies, "If a vacancy occurs on Council and within thirty (30) days thereafter, those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council, may recommend to Council a person to fill the vacancy for the unexpired term." (Please See Attached Section 2.08 Vacancies, City Charter) Section 2.02 Qualifications, listed in City Charter, describes the Eligibility for a person to be a Council member. (Please See Attached Section 2.02 Qualifications, City Charter)

If the Central Committee members living in the City choose to recommend a person to City Council to fill this vacancy, then please provide the <u>Name</u> of this person (Being a Qualified Elector of the City) by no later than Thursday, July 30, 2015, <u>or any time sooner is acceptable</u>. Should the Central Committee decide <u>Not To</u> provide a person's name, then please inform me of that decision as soon as possible. Please send all responses on this issue <u>in writing</u> to my attention as Clerk of Council.

Thank you for your assistance in this matter.

Sincerely,

regory J. Heath

Gregory J. Heath Finance Director/Clerk of Council

Attachments Cc: Members of City Council Mayor City Manager City Law Director

June 1, 2015

Travis Shaeffer Council President City of Napoleon 255 West Riverview Napoleon, Ohio 43545

Dear Council President and fellow Council Members,

I am writing to formally notify you that I am resigning from my seat as a City of Napoleon Council Member. My last day of service will be Tuesday, June 30th.

This decision was very difficult to make. I ran for a seat on council to try to make a difference and as much as my family and I love Napoleon and my husband and I have enjoyed serving the residents of City of Napoleon, life has other plans for us. I have received and accepted an offer for employment from the University of Florida. Though this was not part of my original plan, it is a wonderful professional opportunity that I felt compelled to act on. My family and I are excited about this new opportunity.

It has been a pleasure working with all of you and I have enjoyed the differing viewpoints that everyone brings to the table. I believe that Napoleon is heading in the right direction with eyes wide open and that its best and brightest days are yet to come. I wish each of you and all of the City of Napoleon employees all the best.

Sincerely, Heather Wilson

Heather Wilson

CHARTER OF THE CITY OF NAPOLEON, OHIO

EDITOR'S NOTE: The Napoleon Charter was amended in its entirety by the voters on November 7, 2000. Dates appearing in parentheses following a heading indicate that those provisions were subsequently enacted, amended or repealed on the date given.

ARTICLE I - INCORPORATION, NAME AND POWERS

- Section 1.01 Name and Boundaries.
- Section 1.02 Powers.
- Section 1.03 Exercise of Powers.

ARTICLE II - COUNCIL

- Section 2.01 Number, Selection and Term.
- Section 2.02 Qualifications.
- Section 2.03 Organization.
- Section 2.04 President of Council.
- Section 2.05 Compensation.
- Section 2.06 Quorum.
- Section 2.07 Meetings.
- Section 2.08 Vacancies.
- Section 2.09 Rules and Journal of Council.
- Section 2.10 Council Employees.
- Section 2.11 Standing Committees of Council.
- Section 2.12 Personnel Committee.
- Section 2.13 Annual Budget.
- Section 2.14 Powers of Council.
- Section 2.15 Ordinances and Resolutions.

ARTICLE III - MAYOR

- Section 3.01 Term.
- Section 3.02 Qualifications.
- Section 3.03 Office and Compensation.
- Section 3.04 Powers and Duties.
- Section 3.05 Election to Fill Vacancy.

ARTICLE IV - ADMINISTRATIVE DEPARTMENTS

- Section 4.01 Creation of Departments.
- Section 4.02 Department Directors.
- Section 4.03 Director Qualifications.
- Section 4.04 Director Employment Status.
- Section 4.05 General Powers and Authority of Directors.
- Section 4.06 Department of Management.
- Section 4.07 Department of Finance
- Section 4.08 Department of Law.

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Section 2.02 Qualifications

(A) Eligibility. No person shall be eligible to be a Council member unless he or she has been a resident and qualified elector of the City for at least one (1) continuous year immediately prior to his or her filing for office or his OR HER appointment. Council members shall continue to be residents and qualified electors of the City during their terms of office. Except as provided by this Charter, no Council member shall hold any other elected public office or employment with the City. For the purpose of this section, "employment with the City" shall Corporation's Treasury; and, "elected public office" shall mean, "elected public office of this Municipality".

(B) Judge of Qualifications. Council shall be the sole and final judge of the qualification of its members as well as the sole and final judge in determining if there has been a violation thereof. Any Council member who ceases to possess, or who violates, any of the qualifications set forth in this Section shall forfeit his or her office. The failure of any Council member to maintain these qualifications shall not render void or ineffective any ordinance, resolution or other action of Council taken during the time he or she was not so qualified.

Section 2.03 Organization

At the first regular meeting in January following the general municipal election, Council shall meet for the purpose of organization.

Section 2.04 President of Council

(A) **President & President Pro-Tem.** At the organizational meeting, but in no event later than January 15th next following the organizational meeting, Council shall elect one (1) of its members to serve as President of Council (hereinafter called "the Council President") and one of its members as President Pro-Tem of Council (hereinafter called "the Council President") and one Pro-Tem"), each of whom shall, except in case of death, resignation, recall, removal or forfeiture of office, serve for a term of two (2) years or until his or her successor is elected and qualified. The Council President Pro-Tem shall be cloaked with all power and authority of the Council President in any absence of the Council President, except that he or she shall not possess the power and authority of the Mayor when the Council President is in the dual capacity of Acting Mayor and Council President.

(B) Appointment to Standing Committee. The Council President shall select and appoint the standing committees of Council, subject to approval by Council. If Council fails to act by January 31st next following the organizational meeting, the selections and appointments by the Council President shall become effective. The Council President may appoint him or herself to standing committees as well as other committees, boards and commissions, subject to Council approval when required.

(C) **Presiding Officer.** The Council President shall serve as the presiding officer of Council except that, in the absence of the Council President, the Council President Pro-Tem shall preside. In the event that both the Council President and Council President Pro-Tem are absent, then those members present shall select a presiding officer after the Clerk of Council calls the meeting to order. While presiding over meetings of Council, the presiding officer may vote upon all matters coming before Council, but in no case shall he or she, in his or her dual capacity as a Council member and as presiding officer of Council, cast more than one (1) vote on any matter.

2.02

6

Special Meetings. Special meetings may be called by a vote of Council taken at (B) 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 as provided by this Charter, or if this Charter is silent, as provided by ordinance, resolution or other action of Council. When not so provided by this Charter, ordinance, resolution or other action of Council, then notice shall be as provided by the laws of Ohio until the Council may provide otherwise.

(C) **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.

(D) Adjournment or Recess of Meeting. 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.

Section 2.08 Vacancies

If a vacancy occurs on Council and within thirty (30) days thereafter, those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council, may recommend to Council a person to fill the vacancy for the unexpired term. If a person is so recommended, he or she shall not become a Council member unless approved by Council. If no person is so recommended by such Central Committee members or if a person so recommended is not approved by Council, Council may select another replacement within fifteen (15) days. If Council fails to select another replacement within fifteen (15) days, the Mayor shall select a replacement. If the person to be replaced was an independent at the time of his or her election or appointment, the replacement shall be selected by Council; but, if Council fails to select a replacement within thirty (30) days after the vacancy occurs, the Mayor shall select a replacement. If a vacancy date can not be determined with a reasonable degree of certainty, then the vacancy date shall be as concluded by approved motion of Council.

Section 2.09 Rules and Journal of Council

Council shall adopt its own rules and regulations and its own rules of procedure, and shall cause to be kept a journal of its proceedings. Voting upon any ordinance, resolution or other matter shall be by roll call, and the vote of each Council member shall be entered upon the journal.

2.08

Memorandum

To:	Parks & Recreation Committee, Council, Mayor, City Manager,
	City Law Director, City Finance Director, Department Supervisors,
	Media
From:	Gregory J. Heath, Finance Director/Clerk of Council
Date:	6/9/2015
Re:	Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday,

June 15 at 6:15pm has been CANCELED due to lack of agenda items.

Memorandum

To:	Healthcare Cost Committee, Council, Mayor, City Manager, City Law Director,
	City Finance Director, Department Supervisors, Media
From:	Gregory J. Heath, Clerk of Council/Finance Director
Date:	6/11/2015
Re:	Healthcare Cost Committee Meeting Cancellation

The Healthcare Cost Committee meeting, regularly scheduled for Friday, June 19, 2015 at 8:30am has been CANCELED at the direction of the Chair.



June 5, 2015

USEPA submits 111(d) Clean Power Plan final rule to OMB for review

By Cody Dill, PE - manager of environmental affairs

On Monday, June 1, the U.S. Environmental Protection Agency (USEPA) submitted a final rule for its Section 111(d) Clean Power Plan to the White House Office of Management and Budget (OMB) for interagency review. The Clean Power Plan sets emission guidelines addressing greenhouse gas (GHG) emissions from existing power plants.

The Office of Information and Regulatory Affairs (OIRA) within the OMB is responsible for the review of significant proposed and final rules from federal agencies before they are published in the Federal Register. OMB is limited to 90 days to complete its review; however, a finalized rule is expected to be released to the public in August. The information will not be publicly available until then. Additionally, a draft federal plan to implement the Clean Power Plan in states that do not submit a satisfactory state plan is expected to be released for review in the same timeframe.

OMB has been reviewing USEPA's separate rules for carbon dioxide emissions from new and modified plants under Section 111(b) of the Clean Air Act since May. These rules are also at OMB and are expected to be finalized and recommended prior to the 111(d) rule, most likely in late July.

AFEC weekly update

By Ryan Thompson – power supply planning engineer

AFEC was online almost all week with the only exception being Sunday when the plant was offline due to economic reasons. The plant operated at near base max for most days during the week.

Duct burners were used for a total of 11 hours this week and the plant ended the past seven days with a 59 percent load factor (based on 675 MW).

Energy prices relatively flat while natural gas prices continue to decline

By Alice Wolfe - assistant vice president of power supply planning & alternative generation

Prices were largely flat this week after the amount of natural gas in storage reported was significantly larger than expected and weather forecasts remain within a few degrees of average. With this increase, storage numbers are now 1 percent above the five-year average and 51 percent above the 2014 levels.

July natural gas prices are down \$0.09/MMBtu from last week, finishing yesterday at \$2.62/MMBtu. 2016 on-peak power prices at AD Hub rose slightly, finishing yesterday at \$42.12/MWh which was \$0.15/MWh higher for the week.

AMP rolls out new assistance program for APPA's RP3 application

By Jennifer Flockerzie – technical services program coordinator

AMP is introducing a pilot assistance program to help members complete the application for the American Public Power Association's (APPA) Reliable Public Power Provider



Reliable Public Power Provider

(RP3) designation. This new pilot program will be offered to five members on a first-come, first-served basis.

AMP will separate the RP3 application into small, manageable segments and send pilot members a few application questions per week over a several-month period. The pilot program will allow AMP staff to work directly with those members on a question-by-question basis. We will assess the results and consider offering this "small bites" approach to all AMP members.

We will continue to provide help to all members in compiling and submitting their applications. This is the first year that the process will be offered online and AMP is prepared to assist members with the online APPA application.

The deadline to submit RP3 applications is Sept. 30, 2015. Members applying in 2015 will be designated in 2016 for a three-year term.

There are 23 AMP and DEMEC members that currently hold the designation – nine announced in 2015 and 14 for 2014-16.

For further information on the pilot RP3 assistance program, RP3 example documents and application questions, please contact me at <u>jflockerzie@amppartners.org</u> or 614.540.0853. Additional information is also available on the <u>APPA website</u>.



Tim Lawrence, Berlin electric utility director, demonstrates electrical safety during the town's Touch a Truck Day on May 30.

Berlin, Maryland, staff teaches children about electrical safety

By Harry Phillips – director of marketing/member relations

Several Berlin Electric Utility Department staff members were on hand to demonstrate electrical safety to area children using a "Power Town" display as part of a community outreach event on May 30.

The second annual Touch a Truck Day was held at Stephen Decatur Park in Berlin, Maryland, and featured vehicles from police, fire, electric, water resources and public works departments.

I also attended as an AMP representative and was able to share information about the organization with the residents of Berlin. The Town of Berlin became an AMP member in February 2015 and has a population of about 4,500.

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

Week end	ling June 5			
MON \$35.23	TUE \$31.07	WED \$29.91	THU \$31.08	FRI \$31.04
Week end	ling May 29			
MON \$30.92	TUE \$47.35	WED \$45.07	THU \$39.83	FRI \$40.72
AED/Dayton 2016 5x16 price as of June 5 \$42.12				

AEP/Dayton 2016 5x16 price as of June 5 — \$42.12 AEP/Dayton 2016 5x16 price as of May 29 — \$41.97

PMEA reception educates lawmakers on public power

By Michael Beirne - assistant vice president of government affairs & publications

The Pennsylvania Municipal Electric Association (PMEA) held its annual legislative reception on June 2 in Harrisburg, Pennsylvania. Despite the Pennsylvania House of Representatives completing



their week's work earlier in the day, the event was a success and provides a strong foundation for future legislative work on energy issues. PMEA members were able to discuss the benefits of public power and educate lawmakers on Pennsylvania municipal electric providers.

For more information about PMEA, please contact PMEA Executive Director Dave Woglom at 610.330.5856 or woglomd@lafayette.edu, or PMEA President and Grove City Borough Manager Vance Oakes at vance@grovecityonline.com or 724.458.7060.

Lineworkers sharpen skills in AMP's Basic 1 course

By Bob Rumbaugh – manager of technical training

AMP kicked off its 2015 Lineworker training series this week with a Basic 1 course at AMP headquarters. Twelve (12) participants from nine members in Ohio, Michigan and Pennsylvania were in attendance.

Designed for first-year apprentices as a supplement to in-house training, this weeklong class provides an introduction and practice to climbing skills, as well as basic electrical theory, applied mathematics, first aid, safety, transformer basics and other preliminary skills.

For more information on AMP's lineworker series, please contact Jennifer Flockerzie, technical services program coordinator, at 614.540.0853 or jflockerzie@amppartners.org.



Basic 1 participants and instructors pictured are (from left): row one-Gary Shultz, safety consultant; Kent Brecheisen, Coldwater; John Foxhoven, St. Marys; Kevin Jackson, Zelienople; Christopher Rhodes, Cuyahoga Falls; James Tolley, Galion; Derick Wyrick, Montpelier; Kyle Nulk, Galion; Jim Eberly, OSHA/safety compliance coordinator; row two-Bob Rumbaugh, manager of technical training; Derek Backs, St. Marys; Kyle Wuebker, Minster; Brett Carlin, Montpelier; Chad Gechter, Kutztown; and Jacob Scheer, New Bremen.



Eldorado, AMP put safety first

Ed Baker, with the Village of Eldorado Municipal Light Department, demonstrates electric safety to local fifth graders on May 18. Jim Eberly, OSHA/safety coordinator, also gave a presentation to students using the Hazard Hamlet electrical safety display.

Dill receives PE designation

By Jolene Thompson - senior vice president & OMEA executive director

Manager of Environmental Affairs Cody Dill recently received his Professional Engineer (PE) designation from the National Council of Examiners for Engineering and Surveying, and will be registered in the state of Ohio.



As a PE, Dill will be able to stamp and seal designs, bid for government con-

Cody Dill

tracts and perform consulting services, among other tasks. Dill joined AMP in 2010 and was promoted to his current position in 2014. He is a native of Meigs County, Ohio, and holds a bachelor's degree in biological engineering from the Ohio State University.

Please join us in congratulating Cody.

Calendar

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

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

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

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

Aug. 29—AMP Lineworkers Rodeo AMP Headquarters, Columbus

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

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

AMP announces promotions

AMP is pleased to announce several promotions. Jared Price has been promoted to assistant vice president of IT and chief technology officer (CTO); Gary Keffer has been promoted to director of corporate health and safety; Beth Lander has been promoted to manager of human resources; and Charles Dobbins has been promoted to manager of SCADA and plant systems.



Jared Price

Gary Keffer

In his new role as AMP's CTO, Price will be responsible for enterprise IT systems design, enterprise architecture and will continue to oversee SCADA/plant systems. One of his key tasks will be to oversee the continued progression of AMP's "Smart Grid As A Service" (Hosted Solutions) offering for its members. Price joined AMP in 2011 and was named senior director of technology operations in 2013. He holds a bachelor's degree from DeVry University and a master's degree in business administration from the Keller Graduate School of Management. The chief information officer (CIO) and CTO job roles are frequently confused, but there are clear differences between the two. The AMP CIO role is focused on strategy, process and people. The AMP CTO position centers on policy, technology and architecture. Keffer joined AMP in 2013 as the



Charles Dobbins

environmental health and safety manager. With nearly 20 years of health and safety experience, Keffer is an authorized OSHA General Industry Outreach instructor, and a certified American Safety and Health Institute First Aid and CPR instructor. He holds a bachelor's degree from the University of Connecticut and a master's degree from the University of Alabama at Birmingham.

In her new role, Lander will create a new employee orientation process and will conduct training on the performance review process for new and existing staff. She joined AMP fulltime in 2012 and is a graduate of Robert Morris University.

Dobbins came to AMP in 2012 as a help desk specialist and was named plant systems administrator in 2013. He holds a bachelor's degree from the Ohio State University and a master's degree from Ohio Dominican University.

Please join us in congratulating Jared, Gary, Beth and Charles.



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.

Finance & Accounting Subcommittee Meeting covers issues regarding financial soundness for members

By Joe Regan – member credit compliance analyst

The City of Salem, Virginia, hosted members from several AMP communities on June 4 for an AMP Finance & Accounting Subcommittee meeting.

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

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

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

Chris Deeter, AMP assistant vice president finance and member credit compliance, followed Wolfe and discussed regulatory changes impacting the municipal securities market. Specifically, Deeter covered the impact of recent changes in the SEC Municipal Advisor rules and what should be expected when a member is considering utilizing a municipal advisor.

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

The next Finance & Accounting Subcommittee meeting will be held July 23 at AMP. In lieu of our regular agenda, this will be a special daylong workshop titled Financial Assessment for Electric Utilities Workshop. The workshop will be taught by Dawn Lund, who also leads the workshop for the American Public Power Association (APPA). All interested parties from municipalities are welcome to attend. Please RSVP to either me at jregan2@ amppartners.org or 614.540.6913, or Chris Deeter at cdeeter@amppartners.org or 614.540.0848.

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. The 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 <u>cityofmarshall.com</u>. Deadline to apply is June 22, 2015. EOE M/F/H/V

City of Columbus accepts applications for open positions

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

Safety Technician – 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.

Plant Maintenance Electrician I – Under general supervision, this position is responsible for installing, maintaining, troubleshooting, and repairing electrical equipment (up to 15kV AC), wiring systems and accessories. Will perform related duties as required. Must have two years of experience installing and repairing three-phase electrical equipment in an industrial facility with voltages up to 2400 volts. Substitution(s): Successful completion of a formal classroom or apprenticeship training program in the general principles of electricity may be substituted for six months of the required experience. Must possess a valid driver's license. Salary \$44,054 - \$59,030.

To apply, candidates must first take the open competitive examination. Applications must be submitted to the Civil Service Commission by applying online at <u>www</u>. <u>csc.columbus.gov</u> by June 10, 2015, for safety technician, and June 17, 2015, for plant maintenance electrician. 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. Contact the Civil Service Commission at 614.645.8300 with questions. EOE <u>see CLASSIFIEDS Page 5</u>
CLASSIFIEDS continued from Page 4

Minster offers transformer for sale

The Village of Minster is offering for sale a McGraw-Edison Substation Transformer. The three-phase transformer was manufactured in 1988 and is rated at 10,000 to 12,500 KVA. It is copper wound and has a primary voltage of 70,600 volts and a secondary voltage of 13,717 volts with 16 taps. The unit is filled with non-PCB mineral oil with a total weight of 70,670 pounds. The length of the transformer



is 11 feet with radiators. Depth with radiators is 12 feet. The unit measures 16 feet 4 inches to the top of the bushings.

The Village of Minster has set a minimum acceptable price of \$45,000.00 for the unit. Additional information can be obtained by contacting Electrical Superintendent John Neuman at 419.305.2971.

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; 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 wastewater collection operator

Bowling Green Water Distribution & Wastewater Collection Division is seeking a Wastewater Collection Equipment Operator. This position is responsible for maintaining and repairing municipal sewers, installing new storm and sanitary lines and performing lift station maintenance.

Operates jet, TV and dump trucks, backhoes, jack hammers, tapping machines, air monitors, concrete saws and flow meters; uses hand tools; repairs blacktop, concrete, manholes, and catch basins; and performs other related duties as assigned. Work is performed outdoors in confined spaces in proximity to sewage; night, weekend and holiday work.

High school diploma or equivalent; Class B Commercial Driver's License with Tanker Endorsement; one to three years of relevant experience; or any combination of experiences which provides the required skill sets to perform the essential functions of the job. A copy of the job description will be provided to applicants. Qualified persons must complete an application that is available in the Personnel Dept of the City of Bowling Green, 304 N. Church St., Bowling Green, OH 43402-2399. The application is also available online <u>here</u>.

Resumés alone will not be considered. Telephone: 419.354.6200; Fax 419.352.1262; email: <u>BGPersonnel@</u> <u>bgohio.org</u>. The deadline for making application is 4:30 p.m. June 15, 2015. (BGEO Pay Grade 5: \$19.51 - \$24.92 per hour) AA/EEO

American Municipal Power, Inc. 1111 Schrock Road

Suite 100 Columbus, Ohio 43229 614.540.1111

FAX 614.540.1113 www.amppartners.org



PUBLIC POWER H H A H AMP

HYDROPOWER: Building for the Future

ABOUT AMP

American Municipal Power, Inc. (AMP) is the nonprofit wholesale power supplier and services provider for 132 members, including 131 member municipal electric systems in Ohio, Pennsylvania, Michigan, Virginia, Kentucky, West Virginia, Indiana and Maryland; as well as the Delaware Municipal Electric Corporation, a joint action agency with nine members headquartered in Smyrna, Delaware. Combined, these members' utilities serve more than 637,000 customers.

19 - 19 C

The AMP hydro projects represent a long-term commitment by Oberlin and its fellow AMP member systems to environmentallyresponsible, sustainable and cost-competitive electricity generation. These projects demonstrate the value of local municipal ownership and control by fulfilling our communities' desires for clean and renewable sources of power.

-Steve Dupee

Director of the Oberlin Municipal Light & Power System, Oberlin, Ohio Chair, AMP Board of Trustees

> BEHIND: Meldahl, October 2011 – courtesy of VOITH COVER: Meldahl, June 2013 – courtesy of Aerial Innovations of TN Inc.

HYDROELECTRIC PROJECTS

MP member municipal electric systems have long recognized the many benefits associated with hydroelectric generation – with a combination of existing and new facilities set to play a key role in a balanced and diversified resource portfolio that will be on average 21 percent renewable when current construction is complete. AMP is in the later stages of construction on four run-ofthe-river hydro projects at existing U.S. Army Corps of Engineers locks and dams along the Ohio River. With runof-the-river facilities, a portion of the water that normally would flow through the dam is diverted to the generation facility and river ecology remains un-impacted. This significantly minimizes any environmental impacts. The AMP projects are being built at existing locks and dams, which were constructed decades ago for navigation, to control river levels and to allow for hydro development.

The four projects under various stages of construction and commissioning – Cannelton, Meldahl and Smithland in Kentucky and Willow Island in West Virginia – will add more than 300 megawatts (MW) of new hydropower. This represents the largest deployment of new run-of-the-river hydro in the nation.

When complete, these projects will join the other hydro in AMP's portfolio, including the 42-MW Belleville Hydroelectric plant located at the Belleville Locks and Dam on the Ohio River, the 70.2-MW Greenup Hydroelectric Plant, and a portion of the output from hydroelectric plants on the Niagara and St. Lawrence rivers as part of the New York Power Authority (NYPA).

AMP owns the Meldahl project through a separate wholly owned limited liability company. AMP is developing the project with the member community of Hamilton, Ohio, which originally procured the development license from the Federal Energy Regulatory Commission (FERC). Hamilton retains the rights for a 51.4 percent share of the energy output from the facility, with AMP taking the remaining output for the 48 other AMP members participating in the project. AMP will also acquire a portion of the existing 70.2-MW Greenup hydroelectric generating facility, currently owned by the City of Hamilton, also on the Ohio River.

We are taking the next step in helping secure an energy future for generations to come.

-Marc Gerken, P.E. AMP President & CEO **?**?



SUSTAINABLE

ydropower meets AMP's long-term sustainability goals by balancing economic, environmental and social considerations.

AMP's hydro projects will maximize opportunities and minimize risks for participating AMP members. Hydro has no dependency on fuel, which means no hedging exposure, carbon emissions, or counter-party or transportation risks. There is also limited regulatory risk compared to fossil or nuclear resources. Participating AMP members will benefit from the reduced risk exposure to future U.S. Environmental Protection Agency carbon and other regulations.

AFFORDABLE

ydropower is a long-term benefit. Hydro projects are capital intensive, but last a long time. These projects have an estimated life of 80 to 100 years, with the debt service scheduled to run out in 30 to 35 years. It is anticipated that participating members will experience \$35/MWh energy and capacity going forward once the debt service is paid off.

According to a recent job study performed by Navigant Consulting for the National Hydropower Association (NHA), 23,000 to 60,000 MW of new capacity could be installed by 2025, creating 230,000 to 700,000 jobs.

AMP members received municipal preference from FERC during the licensing process. By using take-or-pay contracts with participating member utilities, AMP received favorable interest rates – lowering the overall project costs. AMP also benefitted from the use of Build America Bonds (BABs) and Clean Renewable Energy Bonds (CREBs) for hydro development.



CANNELTON FACTS

- 84-MW run-of-the-river project on the Cannelton Locks and Dam, located on the Ohio River, near Hawesville, Kentucky, approximately 1.5 hours from Louisville, and across the river from AMP member Cannelton, Indiana.
- The project is currently under construction on the Kentucky side of the river.
- 520 construction jobs (peak) were created over four-year construction.
- As of spring 2015, the facility is partially staffed and filling remaining positions with commissioning under way.
- Excavation and cofferdam construction started May 2009.
- Powerhouse construction started June 2011.
- Formal ground breaking took place Aug. 5, 2009. The event featured Kentucky Gov. Steve Beshear, Congressman Brett Guthrie, U.S. Army Corps of Engineers (USACE), FERC, and state and local officials.

HYDRO FACTS

With hydro, there is no fuel to buy and no waste in need of disposal.

When work on AMP's hydro projects is complete, participating members will have – on average – 16 percent hydro in their energy portfolios.



LEFT: December 2014 ABOVE: May 2013 looking downstream BELOW: The AMP Board of Trustees, committee members and staff tour the Cannelton hydro project construction site in July 2012 – courtesy of Tuttle Images

Hydropower is a low-cost source of renewable electricity and is among the most cost-effective energy sources across the board. Electricity from hydro is not subject to unpredictable price swings in the markets for energy commodities.





Meldahl Facts

- 105-MW run-of-the-river project on the Captain Anthony Meldahl Locks and Dam, located on the Ohio River, near Maysville, Kentucky, approximately one hour from Cincinnati.
- The project is under construction on the Kentucky side of the river.
- 428 construction jobs (peak) were created over four-year construction.
- As of spring 2015, the facility is fully staffed (Hamilton employees) and commissioning is under way.
- Excavation and cofferdam construction began May 2010.
- Powerhouse construction began August 2011.
- Transmission line was approved by Ohio Power Siting Board in November 2011.
- AMP is developing the project with the member community of Hamilton, Ohio, which originally procured the development license from FERC. Hamilton retains the rights for a 51.4 percent share of the energy output from the facility, with AMP taking the remaining output for the 48 other AMP members participating in the project.
- A formal groundbreaking was held June 29, 2010, featuring Kentucky Gov. Steve Beshear, USACE, FERC, and state and local officials.

American Municipal Power is tapping the incredible Ohio River to produce green, renewable and sustainable energy, giving us hope that economic success and national security will be ours for some time to come.

66

-Governor Steve Beshear Kentucky

dr. sate

Smithland Hydroelectric Plant



SMITHLAND FACTS

- 72-MW run-of-the-river project on the Smithland Locks and Dam, located on the Ohio River, near Smithland, Kentucky approximately 3.5 hours southwest of Louisville.
- The project is under construction on the Kentucky side of the river.
- 424 construction jobs (peak) were created over four-year construction.
- Estimated number of permanent jobs is 7-9.
- Excavation and cofferdam construction began April 2010.
- Powerhouse construction began April 2012.
- Formal groundbreaking was held Sept. 1, 2010, featuring Kentucky Gov. Steve Beshear and Congressman Ed Whitfield, USACE, FERC, and state and local officials.



HYDRO FACTS

A hydroelectric facility's powerhouse is as tall as a 10-story building and the width of a football field.

Concrete, slow rotational speed of turbines and use of stainless steel all contribute to the longevity of hydroelectric facilities.



ABOVE: September 2010 – Smithland groundbreaking ceremony (from left): Rep. Ed Whitfield (R-KY), chair of the Energy and Power Subcommittee, AMP President/CEO Marc Gerken and Kentucky Gov. Steve Beshear BELOW: July 2014 – courtesy of MWH

Hydropower is a 100 percent renewable resource that can forecast a day ahead. The resource gives AMP about a 60 to 65 percent capacity factor.



Willow Island Hydroelectric Plant

WILLOW ISLAND FACTS

- 35-MW run-of-the-river project on the Willow Island Locks and Dam, located on the Ohio River, near St. Marys, West Virginia, approximately one hour from Parkersburg.
- The project is under construction on the West Virginia side of the river.
- 485 construction jobs (peak) were created over four-year construction.
- Estimated number of permanent jobs is 7-9.
- As of spring 2015, operator interviews and commissioning are under way.
- Excavation and cofferdam construction started June 2011.
- Powerhouse construction began December 2012.
- Formal groundbreaking took place July 21, 2011. The event featured West Virginia Gov. Earl Ray Tomblin, USACE, and state and local officials.

ABOVE: August 2014 – courtesy of 1800topsites.com BELOW: December 2012



This generation and the next will benefit from AMP's commitment and foresight to meet our needs with limited environmental disturbance; and for that I am grateful.

> -Governor Earl Ray Tomblin West Virginia



ABOVE: June 2014 BELOW: August 2013



Belleville Hydroelectric Plant



BELLEVILLE FACTS

- 42-MW run-of-the-river plant is located at the Belleville Locks and Dam on the Ohio River near Belleville, West Virginia, on the West Virginia side of the river.
- The plant began commercial operation in 1999 and employs eight full-time staff members.
- AMP currently operates the Belleville Hydroelectric Plant on behalf of a joint venture of 42 AMP member communities that collectively own the facility.
- Facility annually contributes \$2.5 million \$3 million to the local economy, which includes an annual in-lieuof-taxes payment in excess of \$800,000 to the schools and local government.
- In April 2010, NHA honored the Belleville plant staff with an Outstanding Stewards of American Waterways Award for Operational Excellence. The staff was honored for its safety program that yielded more than 150,000 work hours without a lost-time or reportable incident over the last 10 years.
- The facility's cost of power is significantly less than anticipated in the original feasibility study. Actual delivered cost to participants has averaged approximately 34 percent below anticipated levels from 2002-2012.
- 2014 was the second consecutive record-setting year of performance for the facility. Belleville's generation was 304,007 MWh, which exceeded the previous record set in 2013 by 7,773 MWh.
- The facility is outperforming feasibility study estimate projections. In just under 16 years of operation, the Belleville project has surpassed its 4 millionth net megawatt hour delivered to participating communities. The milestone was crossed on Feb. 3, 2015 six months faster than projected.

Energy portfolio diversity, lowemission resources and long-term planning are a critical part of meeting our customers' long-term needs. In 2016, over 20 percent of the energy needed to meet demands will come from our hydro projects.

> –Jeff Brediger Director of Utilities, Orrville, Ohio Vice Chair, AMP Board of Trustees







GREENUP FACTS

- 70.2-MW power plant located near Portsmouth, Ohio.
- The project is on the Ohio side of the river.
- The plant began commercial operation in May 1982.
- AMP will acquire 48.6 percent ownership of facility (34 MW), currently owned by the City of Hamilton, once the Meldahl project is complete.
- The facility is staffed by 13 Hamilton employees.



EXISTING PROJECTS

Nine AMP member communities individually own hydro facilities, totaling more than 65 MW.

Bedford, Virginia:5Bryan, Ohio:2Columbus, Ohio:5Danville, Virginia:1Hamilton, Ohio:1

5 MW 4.7 MW 5 MW 11.1 MW 1.5 MW Marshall, Michigan:OMartinsville, Virginia:1.3New Martinsville, West Virginia:3Union City, Michigan:O

0.320 MW 1.3 MW 36 MW 0.375 MW



PROPOSED PROJECT

AMP (on behalf of the City of Wadsworth, Ohio) is pursuing a 50-MW potential run-of-the-river hydro project adjacent to the Robert C. Byrd Locks and Dam, located on the Ohio River, near Gallipolis, Ohio. AMP has been working with member community Wadsworth, Ohio, on this project, which would be constructed on the Ohio side of the Ohio River. AMP is currently reviewing FERC's environment assessment. The U.S. Fish and Wildlife Service has requested the opening of consultations under the Endangered Species Act and depending on when this is complete, a FERC license issuance would follow.



*AMP and member-owned hydro generation on the Ohio River

MELDAHL HYDRO PLANT AMP and Hamilton Estimated Capacity = 105 MW











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PUBLIC POWER

TRENDS: TECHNOLOGY, ECONOMIC AND REGULATORY

Communities should be aware of latest industry trends as utility sector faces transformation

echnology, economic and regulatory trends all contribute to making the electric utility industry an ever-changing field.

Advances in solar **technology** are making solar generation more affordable and popular. Installed solar capacity grew 77 percent from 2010-2013, according to the Environment America Research & Policy Center, and a recent report by the Solar Energy Industries Association states that solar accounted for 36 percent of all new electricity generating capacity installed during the first three quarters of 2014 in the U.S.



to the overall goal of providing stable rates. Increasing the number of ways a community gets its power avoids volatile hourly markets and protects against the "putting all your eggs in one basket" scenario. Communities are building portfolios with diversified fuel types such as hydroelectric, wind, solar, natural gas, coal, landfill gas and behind-the-meter generation.

While there are a variety of **regulatory** issues facing the industry, the following are a few main rules you'll likely hear about this year:

• The Mercury and Air Toxic Standards (MATS) are federal

standards that require certain power plants to limit their emissions of toxic air pollutants. Originally issued in 2011, the standards took effect in 2015.

- The U.S. Environmental Protection Agency (USEPA) issued a proposed rule on national ambient air quality standard (NAAQS) for ozone in 2014 and is likely on the horizon as a final rule in 2015. Ground-level ozone occurs both naturally and can also form due to emissions from industrial facilities, power plants, vehicle exhaust and chemical solvents. The NAAQS rule proposes a reduction from the current level of 75 parts per billion (ppb) to a level between 65 and 70 ppb.
- The final rule of the USEPA's carbon pollution emission guidelines for existing stationary units is also expected in 2015. Proposed in 2014, the rule aims to cut carbon emissions from existing power plants by 30 percent by 2030. This rule, often referred to as 111(d), is expected to have far-reaching impacts on electric utility resource planning and operations.

The modern **technology** of smart grid has also become more prevalent as utilities install meters that provide added benefits and options for customers and utilities. The automation of meter reading improves efficiency and reliability. Advanced metering infrastructure (AMI) is becoming popular, and some utility customers are even tailoring their daily energy consumption to reduce their monthly electricity bills.

The low price of natural gas is a current **economic** industry trend. This is causing a boom of natural gas plants being built to take advantage of these cheaper natural gas prices. It is also putting pressure on nongas entities (such as coal) to be competitive in their pricing. The AMP Fremont Energy Center (AFEC) is a natural gas combined cycle facility that has been an excellent resource for AMP members since the price of natural gas is so low. These savings are being passed on to participating utilities' customers.

Creating diversified energy portfolios is also a major **economic** industry trend for AMP members. Diversification is what contributes

SAFETY SPOTLIGHT

Many are opening windows to let the fresh air inside as the weather gets warmer, but it's important to be mindful of window safety. According to a 2015 report by Safe Kids Worldwide, about eight children under the age of five die each year from falling out a window, and more than 3,300 are injured seriously enough to go to the hospital. When opening windows for ventilation, make sure children can't reach them. Consider installing ASTM-approved fall prevention devices, which only allow a window to open a few inches.

COMMUNITY PROJECTS PUT SOLAR IN NEW LIGHT

• ommunity solar is the idea that some customers may be willing to pay to receive a portion of their power from a solar facility. Rather than each customer installing solar panels on their home or business, a single solar facility is built, and customers sign up to take power from that facility.

A community shared solar project allows residents, organizations and businesses to access renewable energy benefits from systems located at local sites

with the technology, installation and operation costs shared by participants. The benefits are divided among the participants according to their share. This structure allows individuals or organizations who are incapable of installing renewable energy options on their own property to take advantage of building larger systems as a combined group for a cheaper cost per killowatt. Community solar projects provide benefits by:

Capturing economies of scale and building solar more costeffectively than customers could build individually



- Making it easy for customers nothing to install, nothing to break on their system, no panels they have to insure or take on and off their roof
- Requiring no updates to residential building or zoning codes
- Offering a single point of power injection, which means protection for utility employees
- Providing the utility experience in distributed generation and control of the system, including operations and maintenance
- Enabling customers who cannot install solar to still gain the benefits of it (economically constrained, renters, no or poor solar access due to shading or building orientation)

American Municipal Power, Inc. (AMP) is in the discovery phase of launching new community solar projects. The goal is to build solar generation to meet a portion of AMP members' capacity and peak energy needs.

WHAT IS?: POWER SURGE

A power surge is the result of an increase in voltage or electrical pressure. The most common causes of internal power surges are high-powered electrical devices that require a lot of energy to run components such as compressors and motors. The culprits are mainly elevators, air conditioners and refrigerators. When one of these devices goes to switch on it causes a brief, but large demand for power and this can upset the steady flow of electricity.

Smaller devices such as a hair dryer or power tools can also cause internal power surges. External surges are generally the result of downed power lines. If lightning strikes near a power line, it can significantly boost the electrical pressure and cause a massive surge.

Small internal surges actually occur quite frequently just from everyday activity, and while they don't leave any outward evidence, they can take a toll on electronic products over time.

A surge protector is exactly what its name suggests - a piece of equipment that protects electrical devices from power surges. When voltage spikes, the protector redirects the excess energy away from the connected device(s). It's recommended to use a surge protector for any high-end electronic equipment, such as computers and televisions, as it will generally extend the lives of the devices.

There are several types of surge protectors. Some of the most common are:

A whole house (or point-of-entry) ٠ protector defends the entire house or building from external surges and is installed at the main panel.

- A wall-mount functions like a standard electrical outlet, but has a built-in surge protector.
- The surge protector strip is the most widely used and is plugged into a standard electrical outlet.
- A battery backup (or uninterruptible power supply) provides instant backup power to connected devices if there is a power failure. Most provide surge protection as well.

A surge protector will likely not stand up to lightning, however. The best protection is to unplug your devices during a lighting storm if possible. It is your responsibility to protect your devices. Only you will be accountable if your equipment is damaged as the result of a surge.







Legislative Bulletin

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Committee Schedule

June 5, 2015

SENATE FINANCE COMMITTEE TO RECEIVE SUBSTITUTE BUDGET BILL AND TESTIMONY NEXT WEEK

The Senate Finance Committee is heading into the final stretch of their role in crafting the next state operating budget bill. Although Senators continue to craft the final pieces to what is planned to be presented Monday as the blueprint preferred by the majority of members of the Ohio Senate, small indicators have leaked out through press interviews and sidebar comments shedding some light on what the Senate will be presenting. Thus far, Senate plans to alter policies that may affect Ohio cities and villages have not been revealed. There is a general feeling that the Senate will be a little more supportive of some of the tax proposals first presented by Governor Kasich, when he offered his suggestions for issues and policies that should be included in the biennial budget plan, compared to how they were received by members of the Ohio House of Representatives. Tax issues such as increasing Ohio's Severance Tax and tax increases on tobacco products may garner more support as members of the Senate have indicated they are interested in providing Ohioans with a larger income tax cut than what is before them now in Sub. HB64.

The league is scheduled to testify before the Senate Finance Committee next week to emphasize areas of the current budget plan that we support, areas where we feel more work is needed and to share with committee members our views on what the Senate unveils Monday as their list budget priorities to be included in Sub. HB64, the operating budget bill. Once the Finance Committee concludes its three days of testimony next week, beginning on Tuesday, it is expected that a final omnibus amendment will be offered by Senators to address last minute fixes and issues to the bill, before being voted out of committee and to the Senate floor. At the moment, Senate leadership has indicated that Am. Sub. HB64 will be presented to the full Senate membership and on the Senate floor Wednesday, June 17. The bill will then be sent back to the Ohio House, for members of that Chamber to consider the Senate changes to their original bill. As tradition would have it, it is fully expected that a majority of House members will have "differences of opinions" when considering the changes made by their counterparts in the Senate and will decline to accept the returned Am. Sub. HB64. The next play is usually that House members will call for a Conference Committee to convene in order to resolve the anticipated differences between the two legislative bodies. Legislative leaders have until have until June 30 th to have the final language package agreed to so that the Governor can affix his signature, enacting the bill into law by the July 1 st Constitutional deadline.

The Senate Finance Committee has not released the hearing schedule for next week but it is expected that committee members will receive testimony from state budget stakeholders Tuesday, Wednesday and Thursday of next week. If any municipal officials are unable to attend the budget hearings next week in person to offer testimony or to be in attendance as Senators craft the final legislative product for the two year spending plan, the Ohio Senate telecasts each Finance Committee hearing online. The Ohio Channel provides the budget hearing proceedings which can be accessed via their website at: http://www.ohiochannel.org/ with the hearing portal located under the banner "*Live Streams in Progress*."

OHIO ATTORNEY GENERAL DeWINE ANNOUNCES \$11.5 MILLION SETTLEMENT OVER ROCK SALT PRICES

Settlement Funds Will be Available to Local Government Agencies in All 88 Ohio Counties

Ohio Attorney General Mike DeWine today announced an \$11.5 million settlement with Morton Salt Inc. and Cargill Inc. to resolve allegations that the companies conspired with each other, causing state and local governments to pay higher prices on the rock salt used to make icy roads safer for travelers.

Under the settlement, Morton and Cargill will pay a combined \$11.5 million, most of which will be distributed to local government entities throughout Ohio, the Ohio Department of Transportation, and the Ohio Turnpike Commission.

"This settlement is good for Ohio taxpayers and the local and state governments who serve them," Attorney General DeWine said. "I am pleased that Morton and Cargill have agreed to resolve this lawsuit and will be returning money to local agencies and governments who buy rock salt to help keep Ohio's roads clear during the winter months."

"Ohio taxpayers and consumers can have confidence that my office will investigate and take action to ensure a competitive marketplace and safeguard taxpayer dollars," DeWine added.

The Attorney General filed an antitrust lawsuit against Morton and Cargill on March 21, 2012, in Tuscarawas County alleging that the two companies divided up the Ohio rock salt market between themselves, agreeing not to compete with each other and driving up rock salt prices for about a decade, ending in 2010.

The result of the alleged conspiracy, according to the Attorney General, was that the Ohio Department of Transportation and other government entities statewide paid above-market prices for rock salt.

Rock salt is the primary method used by the state, counties, cities, and municipalities in Ohio to keep roads, highways, and bridges clear of ice.

Each year, the Ohio Department of Transportation invites companies to submit bids for supplying rock salt in the state. Bids are separated by county, and public purchasers (such as counties or municipalities) can choose to participate in the program and purchase salt under the terms of the ODOT contract for their particular county.

Cargill and Morton are two of the major producers of rock salt in the U.S. and the only two that mine rock salt in Ohio for commercial sale.

According to the Attorney General's lawsuit, during the alleged conspiracy period, Cargill and Morton predetermined which company would win particular bids in Ohio, thus allocating customers between themselves and driving up prices.

The alleged conspiracy was especially hard on the northern two thirds of the state, where typically harsher winters and heavier snowfall amounts require that far more tax dollars be spent on salt and snow removal annually.

Under the settlement, Morton and Cargill's \$11.5 million payment will be distributed by the Ohio Attorney General's Office.

Local government entities will be contacted by the Attorney General's Office and asked to submit documentation reflecting their rock salt purchases from Cargill or Morton between 2008 and 2010, the period of time for which the state was permitted to seek recovery in this case. Agencies with questions about the settlement may contact the Attorney General's Antitrust Section at 614-466-4328.

A copy of the <u>settlement agreement</u> and a copy of the Attorney General's <u>2012 lawsuit</u> are available on the Ohio Attorney General's website.

Below is a list of the announced committee hearings for next week. The schedule is particularly light due to the budget proceedings and the around the clock work that are under way by legislative staff and members of the legislature. Have a safe weekend. \sim

Committee Schedule

Past Bulletins:	
<u>2015</u>	
<u>2014</u>	
<u>2013</u>	
<u>2012</u>	
<u>2011</u>	