



City of Napoleon, Ohio

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Memorandum

To: Mayor and Members of City Council
From: Roxanne Dietrich, Clerk of Council
cc: Joel L. Mazur-City Manager, Billy D. Harmon-City Law Director, Kelly O'Boyle-Finance Director
Date: March 1, 2021
Subject: General Information

CALENDAR

MONDAY, MARCH 1ST

7:00 pm – Regular City Council Meeting

APPROVAL OF MINUTES

February 15, 2021 Special City Council Meeting Minutes; and
February 15, 2021 Regular Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 003-21**, an Ordinance Amending Chapter 944 of the Codified Code of Ordinances of the City of Napoleon, Ohio, Specifically Section 955.09(J) regarding Motorized Cart Fees
2. **Ordinance No. 004-21**, an Ordinance Approving the Renewal of a Certain Agricultural District located in the City of Napoleon, Ohio at the Location of County Road P as Applied for by Linda Otermat; and Declaring an Emergency
3. **Resolution No. 005-21**, a Resolution Authorizing the City Manager and/or Mayor of the City of Napoleon to Sign the Application in Order to Execute the Necessary Contracts and Documents to Apply for the Safe Routes to School Program Round One from the Ohio Department of Transportation for the Purpose of Implementing a Safe Routes to School Program and Completing a Safe Routes to School Travel Plan; and Declaring an Emergency (Suspension Requested)

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 002-21**, an Ordinance Accepting the Annexation to the City of Napoleon of 3.038 Acres of Land, more or less, Owned by William R. Meyers

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 001-21**, an Ordinance Amending Ordinance No. 067-20 regarding Compensation of the Napoleon Municipal Court Bailiff in and for the Year 2021; and Declaring an Emergency.

GOOD OF THE CITY (Discussion/Action)

1. ~~Approval of Power Supply Cost Adjustment Factor for February 2021 as Three Month Averaged Factor \$0.02337 and JV2 \$0.025339~~ – scrivener’s error on my part 😞, this was on the last agenda
2. Approval of Contract for Professional Services with Courtney and Associates for Electric Utility Cost of Service Study
 - a. A copy of the proposed professional service agreement is enclosed.
3. Downtown Revitalization Grant Application
4. Recommendation to Approve the 2021 Fire and EMS projected Service Contract Costs with Freedom, Harrison and Napoleon Townships, the Henry County South Joint Ambulance District and the Village of Florida using the 2020 Actual Expenses and Revenues; and, directing the Law Director to Draft the Respective Contracts and Legislation for each Entity
 - a. Enclosed in your packet is a copy of the sheet with the projected costs
5. Approval of State Infrastructure Bank Loan for Oakwood and American Road TIF District Project (direct the Law Director to Draft Legislation)
6. Supplemental No. 1 to the 2021 Budget (direct Law Director to draft Legislation)
7. Approval to Apply for Various Grants (Police Department)
8. Liquor Permit Application - River Port Properties LLC dba Docksidiers 22, 210 E. Maumee St., Napoleon, Ohio
 - a. If there are no objections, no action is required on this.
9. Acceptance of Donations for Aquatic Center Sponsorships
 - a. The enclosed Memorandum from Tony Cotter shows who the donations have been received from.

APPROVAL OF BILLS

INFORMATIONAL ITEMS

1. Technology and Communications Committee Canceled
2. AMP Newsletter/February 19, 2021
3. NPD’s Annual Report for 2020

March 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 7:00 pm – City Council	2	3	4	5	6
7	8 6:15 pm – Electric Committee Board of Public Affairs 7:00 pm – Water/Sewer Committee 7:30 pm – Municipal Properties ED Committee	9 4:30 pm – Board of Zoning Appeals 5:00 pm – Planning Commission	10	11	12	13
14 Daylight Saving Begins	15 6:00 pm – Tree Commission 6:00 pm – Parks Rec Committee 7:00 pm – City Council	16	17	18	19	20
21	22 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee	23 4:30 pm – Civil Service Commission	24	25	26	27
28	29 5 th Monday	30	31 6:30 pm – Parks & Rec Board			

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, March 1, 2021 at 7:00 pm

City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

Go to www.napoleonohio.com to join the meeting via WebEx

A. Attendance (Noted by the Clerk)

B. Prayer and Pledge of Allegiance

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

1. February 15, 2021 Special Council Meeting Minutes
2. February 15, 2021 Regular Council Meeting Minutes

D. Citizen Communication

E. Civic Center Project Update

F. Reports from Council Committees

1. Finance and Budget Committee was canceled due to lack of agenda items
2. Safety and Human Resources Committee met on February 22, 2021; and
 - a. Recommend City Council Approve the 2021 Fire and EMS Projected Service Contract Costs with Freedom, Harrison and Napoleon Townships, the Henry County South Joint Ambulance District and the Village of Florida using the 2020 Actual Expenses and Revenues; and, directing the Law Director to Draft the Respective Contracts and Legislation for each Entity
3. Technology and Communications Committee did not meet tonight due to lack of agenda items.

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

1. Civil Service Commission met on Tuesday, February 23, 2021; and
 - a. Approved creating an original appointment hiring list for an Entry Level or Lateral Firefighter/Paramedic with applications being accepted between March 1, 2021 and March 31, 2021;
 - b. Approved a one-time rule change for Entry Level or Lateral Firefighter/Paramedics to have their Firefighter Mile Card at time of appointment; and
 - c. Approved certain credits and percentages that can be applied to Firefighter/Paramedic applicants who have obtained a passing score and supplied proof with their application, with the total credits not to exceed 10%
2. Park and Recreation Board meeting for February 24, 2021 was canceled due to lack of agenda items.

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 003-21**, an Ordinance Amending Chapter 944 of the Codified Code of Ordinances of the City of Napoleon, Ohio, Specifically Section 955.09(J) regarding Motorized Cart Fees
2. **Ordinance No. 004-21**, an Ordinance Approving the Renewal of a Certain Agricultural District located in the City of Napoleon, Ohio at the Location of County Road P as Applied for by Linda Otermat; and Declaring an Emergency
3. **Resolution No. 005-21**, a Resolution Authorizing the City Manager and/or Mayor of the City of Napoleon to Sign the Application in Order to Execute the Necessary Contracts and Documents to Apply for the Safe Routes to School Program Round One from the Ohio Department of Transportation for the Purpose of Implementing a Safe Routes to School Program and Completing a Safe Routes to School Travel Plan; and Declaring an Emergency (Suspension Requested)

I. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 002-21**, an Ordinance Accepting the Annexation to the City of Napoleon of 3.038 Acres of Land, more or less, owned by William R. Meyers

J. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 001-21**, an Ordinance Amending Ordinance No. 067-20 regarding Compensation of the Napoleon Municipal Court Bailiff in and for the Year 2021; and Declaring an Emergency


K. Good of the City (Any other business that may properly come before Council, including but not limited to):

1. **Discussion/Action: Approval of Power Supply Cost Adjustment Factor for February 2021 as 3-month Averaged Factor \$0.02337 and JV2 \$0.025339**
2. **Discussion/Action:** Approval of Contract for Professional Services with Courtney and Associates for Electric Utility Cost of Service Study
3. **Discussion/Action:** Downtown Revitalization Grant Application
4. **Discussion/Action:** on Recommendation to Approve the 2021 Fire and EMS projected Service Contract Costs with Freedom, Harrison and Napoleon Townships, the Henry County South Joint Ambulance District and the Village of Florida using the 2020 Actual Expenses and Revenues; and, directing the Law Director to Draft the Respective Contracts and Legislation for each Entity
5. **Discussion/Action:** Approval of State Infrastructure Bank Loan for Oakwood and American Road TIF District Project (direct the Law Director to Draft Legislation)
6. **Discussion/Action:** Supplemental No. 1 to the 2021 Budget (direct Law Director to draft Legislation)
7. **Discussion/Action:** Approval to Apply for Various Grants (Police Department)
8. **Discussion/Action:** Liquor Permit Application - River Port Properties LLC dba Docksiders 22, 210 E. Maumee St., Napoleon, Ohio
9. **Discussion/Action:** Acceptance of Donations for Aquatic Center Sponsorships

L. Executive Session – (as may be needed)

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

N. Adjournment



Roxanne Dietrich - Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, April 5, 2021 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 8, 2021 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for March 2021
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 8, 2021 @7:00 pm)
 - a. Update on 2021 Wastewater Treatment Plant Improvements Project
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 8, 2021 @7:30 pm)
 - a. Lights on New Welcome to Napoleon Signs
 - b. Heritage Ohio Main Street Program for Downtown Napoleon
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, March 15, 2021 @6:30 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, March 22, 2021 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, March 22, 2021 @7:30 pm)
8. **Personnel Committee (as needed)**
9. **Ad-hoc Committee on Personnel (as needed)**
10. **Charter Review Commission (as needed in 2024)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, March 8, 2021 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for March, 2021
 - b. Update on Substations
 - c. Electric Department Report
 - e. Update on 2021 Wastewater Treatment Plant Improvements Project
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, March 9, 2021 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, March 9, 2021 @5:00 pm)
 - a. PC 21-01 Special Use Permit/Conditional Use Permit 2950 Enterprise Ave/Hibbard
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, March 15, 2021 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, March 23, 2021 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, March 31, 2021 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2021 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 8, 2021)
9. **Housing Council - Meets First Monday in April (meeting to be scheduled after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board**
15. **Volunteer Peace Officers' Dependents Fund Board**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

CITY COUNCIL

SPECIAL MEETING MINUTES - PUBLIC HEARING

Monday, February 15, 2021 at 6:55 pm

Present

Councilmembers Joseph D. Bialorucki-Council President, Daniel Baer-Council President Pro Tem, Jeff Comadoll, Lori Siclair, Ken Haase, Ross Durham, Molly Knepley
Mayor Jason P. Maassel
City Manager Joel L. Mazur
Law Director Billy D. Harmon – via WebEx
Finance Director Kelly O’Boyle – via WebEx
Clerk of Council Roxanne Dietrich
Others Linda Otermat, Derek Otermat, Newsmedia via WebEx

CALL TO ORDER

Council President Bialorucki called the Special Council meeting to order at 6:55 pm.

PUBLIC HEARING ON APPLICATION FOR PLACEMENT OF FARMLAND

Mazur explained this is a formality for properties that are farmed in town when the property owner files an application with the County Auditor to have the property placed in an agricultural district to receive certain special assessments or other property tax abatements or deferments. This property has been in the ag district for many years and this is a renewal application. We received the application notice from the County Auditor’s office and we are required to hold a hearing within thirty days. Then, new legislation has to be prepared and approved within thirty days of today’s hearing. Suspension will be requested on second read to meet the thirty day requirement. Maassel confirmed the ground is already in an ag district and this is a re-application? Harmon replied this property has been in an ag district since 2011.

PUBLIC COMMENTS

Council President Bialorucki asked if anyone in the audience had any comments or questions. Maassel asked Otermat if she had any comments. L. Otermat said “I would like this to be renewed”.

ADJOURN

Motion: Haase Second: Knepley
to adjourn the Special Council Meeting/Public Hearing at 6:57 pm.

Roll call vote on above motion:

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

Nay-

Motion Passed. Yea-7, Nay-0

Date Approved:

March 1, 2021

Joseph D. Bialorucki-Council President

Jason P. Maassel-Mayor

Roxanne Dietrich-Clerk of Council

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, February 15, 2021 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel Baer-Council President Pro-Tem, Lori Siclair, Jeff Comadoll, Ken Haase, Ross Durham, Molly Knepley
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon via WebEx
Finance Director	Kelly O'Boyle via WebEx
City Staff	David Mack-Chief of Police Tony Cotter-Director of Parks and Recreation and Cemeteries Jeff Rathge-Operations Superintendent via WebEx
Clerk of Council	Roxanne Dietrich
Others on WebEx	News Media

ABSENT

CALL TO ORDER

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

APPROVAL OF MINUTES

Hearing no objections, the minutes from the February 1, 2021 meeting were approved as presented.

CITIZEN COMMUNICATIONS

None.

CIVIC CENTER PROJECT UPDATE

Maassel stated with our current weather situation, I spoke to Pat Bilow and offered her the option to wait and come to the next Council meeting instead of driving out in this weather. She liked that idea and will be at the March 1st meeting. Bialorucki asked Mazur if he had anything he would like to add tonight. Mazur confirmed everyone has received the Civic Center's business plan and an update from their Board of Trustees showing some of the bills that they have paid so far. What it doesn't show is the outstanding bills that are still out there. The plan does give a nice timeline of what's happened so far with the project.

REPORTS FROM COUNCIL COMMITTEES

The February Electric Committee meeting was cancelled by the committee chair. Chairman Comadoll reported the Water, Sewer, Refuse, Recycling and Litter Committee met on February 8, 2021 and we will discuss later tonight the rates for scrap tire disposal. Knepley, Chair of the Municipal Properties, Building, Land Use and Economic Development Committee reported they met on February 8, 2021 and were briefed on the Heritage Ohio Main Street Program for the downtown. The Parks and Rec Committee did not meet tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 002-21 – William R. Meyers Annexation

Council President Bialorucki read by title Ordinance No. 002-21, an Ordinance Accepting the Annexation to the City of Napoleon of 3.038 acres of land more or less Owned by William R. Meyers

Motion: Haase Second: Knepley
to approve First Read of Ordinance No. 002-21

Harmon explained the first piece of legislation regarding this annexation was simply to enter into an agreement with Napoleon Township. This ordinance is mandated by statute that states we need to pass legislation to accept the annexation. Siclair asked if this is the same parcel we talked about before? Harmon replied it is the same parcel. Like I said before, it's a cumbersome way of going about it but, this is the way the statute reads. First we had to enter into an agreement with the township and then we had to pass legislation to do that. Then, they took that agreement to the county and filed their application. The application has come back to us and now Council has to pass legislation accepting the annexation.

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

SECOND READING OF ORDINANCES AND RESOLUTIONS

Ordinance No. 001-21 – Municipal Court Bailiff Compensation

Council President Bialorucki read by title, Ordinance No. 001-21, an Ordinance Amending Ordinance No. 067-20 regarding Compensation of the Napoleon Municipal Court Bailiff in and for the Year 2021; and Declaring an Emergency.

Motion: Knepley Second: Durham
to approve Second Read of Ordinance No. 001-21

Mazur stated the Judge has requested the pay for this position be adjusted to have a wider range and increase the top wage. The pay range essentially tops out around \$45,000 per year. This person is replacing the bailiff who has worked for many years and just retired. Bialorucki noted we made the amendment that we are not changing the starting pay. Is the position filled at this time? Mazur said I believe it is. Bialorucki asked if the legislation reads that the pay is retroactive for the person that is there? Harmon replied it does read to be retroactive. Siclair said I wasn't part of the discussion as I wasn't at the last meeting. I know there was some concern about the fact it was not brought up during budget. Bialorucki commented at the last meeting we had a few comparisons what other cities are paying. The Judge was asking to have the minimum wage raised as well as the maximum and we amended that to keep the minimum pay where it was at. The thinking was you start a person out depending on what their qualities are. Let's not assume anybody that starts should get a couple extra dollars an hour to start off. Mazur said the top end is in line with what other comparable communities have their rates set at. Bialorucki asked do we know what wage was offered? Mazur replied I do not officially know. At the time of the budget we didn't know if the individual was going to announce that they were going to retire, it was just speculated. I believe we actually budgeted for that individual's retirement. It just happened early in the year.

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

THIRD READING OF ORDINANCES AND RESOLUTIONS

No legislation was presented for Third Reading tonight.

GOOD OF THE CITY (Discussion/Action)

Approval of Power Supply Cost Adjustment Factor for February 2021 as Three Month Averaged Factor \$0.02337 and JV2 \$0.025339

Mazur reported the February 2021 Power Supply Cost Adjustment Factor (PSCAF) is for usage from December, 2020. Therefore, a reduction from the expiration of the Morgan Stanley Contract will not be seen until the next power supply cost adjustment factor. That is good news because the rates will be trickling down. The rates are still up compared to previous times from lack of usage because of the mild fall weather that we had.

Motion: Durham

Second: Haase

to approve the PSCAF for February 2021 as three month averaged factor \$0.02337 and JV2 \$0.025339

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

Rate Review for Refuse Tags Required for Scrap Tire Disposal

Mazur stated at the last Board of Public Affairs and Water, Sewer, Refuse, Recycling and Litter Committee meeting, refuse tags required for scrap tire disposal was discussed. This subject was brought up about a year ago and the question just came up; *what did we find out as it relates to the Spring and Fall cleanup?* Originally, the County Solid Waste District increased their entire disposal fees and that brought up the discussion should the city increase the tire disposal fees for the Spring and Fall cleanup? Currently, to dispose of a passenger car tire it takes one-\$2.00 tag. The recommendation would be to double all the rates to match what the disposal rates are at the County Landfill. In looking at the Spring and Fall Cleanups over the past four years, you can see the total cost for tire disposals has went up. As the fee has went up, we are not recouping that cost. However, we are talking about such a small amount, our refuse rates and sanitation fund can cover the difference as shown in O'Boyle's year-end review presentation of all the major funds. The Sanitation Fund, even though we added a position and eliminated CCNO and added a bag without having to add a tag for residents to throw their refuse away, we still wound up on the plus side by about \$50,000. Now, that probably had a lot to do with the recyclables not being collected during COVID when Werlors was not taking recyclables and doing the sorting. For now with the health of the Sanitation Fund and for a difference of \$230 a year, the question is, do you want to raise the fee to match the county disposal rates; or, consider it a service to the residents who pay for the refuse fee and chalk it up as the cost of doing business? The Board of Public Affairs recommended to increase the fees to match the county disposal fees and the committee moved this to Council for further discussion. Prigge's comment was "we haven't touched the tire disposal fees in a number of years and by accepting this recommended increase we won't have to touch the entire disposal fees again for many years". Bialorucki expressed we are doing enough increases right now with the water and the wastewater. Maassel said we are doing a lot of work for \$230, just leave it alone. Haase noted the spring cleanup had more because everybody was home for a change and once they got their garages cleaned out, the Fall cleanup showed very little difference. We should just leave it alone. Mazur said twice a year, Rathge puts together a great report on the Fall and Spring cleanups and every year the Water, Sewer, Refuse, Recycling and Litter Committee can take a look the reports and if we start seeing greater fluctuations, maybe then we can raise these at a later date.

Application for Placement of Farmland in an Agricultural District

Motion: Sicclair

Second: Durham

to direct the Law Director to draft legislation for placement of farmland in an agricultural district

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

Recommendation to Implement a Trail Fee Rate 50% of the Current Rate of Motorized Car Rentals

Cotter stated Council asked at budget time if we had a rate in place for those who either drive their own golf cart or trailer their cart up to the golf course. We do not currently have that rate in place. This was discussed by the Parks and Recreation Board at their last meeting and they thought it would be a good idea to put these rates in place in the event someone does want to bring their own cart on the golf course. This doesn't happen very often, maybe once or twice a year. The Board's recommendation was to take each of the rental rates that are already in place and offer that at a fifty percent discount for people who bring their own cart to the golf course. At the current rates, nine holes are \$7.00 so, someone bringing their own cart would pay \$3.50 as a trail fee. Maassel asked if this will affect the people that leave their carts in our cart corral all year? Cotter replied it will not, that is a different rate we offer them with storage as part of the rate. Bialorucki expressed there are more costs than just the maintenance and purchasing of the carts. We are talking about replacing the cart paths and if it is kind of wet out there and the path is getting divots from carts, I'm sure people would understand that if I bring my own cart, there is a cost. Cotter noted there are not that many courses that have this but, the ones that do have a small turf fee. Sicclair said I think that sounds reasonable but, I did have a call from a citizen who felt that as a taxpayer if he is going to have to go to the cost of getting his cart licensed and everything else that he needs to do to make it drivable, he didn't think it was right to have to pay more. What I'm asking is percentage-wise for upkeep on the path when they will have upkeep on the cart. Cotter said the Board felt it should be a reduced rate and it was the consensus of the board to make it 50% of what the current rates are. Mazur added Cotter checked with other courses that have trail fees because a lot of them don't have trail fees. They use their carts or nothing else. Cotter said there are actually none in the area, there were trail fees that were offered in communities where they may have a golf course. This was just a recommendation from the Board. Bialorucki said after listening to what Sicclair said, it does seem a little bit steep if you think about every time you go on the golf course spending \$5.00 for road repairs. Maassel asked how many people does this affect? Cotter replied we had one possibly two last year, so it affects very few. That is why we never had it on the books before. Maassel then asked before if somebody used their own cart, would they get charged nothing or would they be charged the full rate? Cotter said I would have to check with Diane Ressler; but, I believe they were charged. Bialorucki commented I think it's great that we offer this because sometimes, and this is a good problem to have, if we have a lot of people at the golf course and run out of golf carts it's nice that other people are bringing their golf carts. I would hate to deter people from that. I know \$3.50 or \$5.00 doesn't sound like a lot. Mazur noted it's kind of cool that people would have the ability to drive from their home or from wherever to the course, not necessarily to encourage it, but it would be nice if you lived in Napoleon to have your own ride. Bialorucki offered we can always start with this rate and look at the numbers after this season and see how it's affecting people. We can always make adjustments if this becomes a deterrent. Maassel-we know we had one last year there's a benchmark. Sicclair acknowledged she's going on one phone call who has a cart but does not have it plated yet. Now he is thinking it's not worth it, that he is not saving any money. It is saving fifty percent. Maassel noted before this he was going to get charged for the plates and he was going to pay the full fee to get to drive his own cart on the golf course. We are trying to save him half the money right now and give the golf course personnel an actual number. Bialorucki asked do we know how much the plate fee is for a golf cart is a year? Sicclair thought about

\$30.00. Mazur said I don't know off hand what the cost of the plate is but, they do have to add the seat belt, the cart has to have lights, signals and all that stuff. Durham thought 50% is a good compromise. The last thing we would want to happen is we take it down to zero and down the road we see an influx of people bringing their own carts to the course, tear up the course and then we have to raise this rate back up.

Motion: Haase Second: Durham
to direct the law director to draft legislation implementing a trail fee for the golf course

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-

Motion Passed Yea-7, Nay-0.

Change Order No. 2 to Midwest Contracting for the Napoleon Aquatic Center Project an Increase of \$146,029.91

Mazur stated we discussed this once before when we presented the legislation to raise the cap for the bond. I think everybody knows from O'Boyle's email that we have a good bond rating and that the actual rate we got on this bond was 1.19% which is phenomenal and really helps us out long term as our annual payments will be less. When we raised that cap, we also said there were some other things that we could add in. There's the addition to the parking lot over by the clubhouse side and the whole resurfacing of the parking lot could be included in this too. That is what this Change Order would be for, to cover all the parking lot aspects. We are requesting approval of the change order and to move forward. I will also note that we are getting pretty close to the end of the project though there is still a lot of work that needs to be done. In terms of financing the project costs and where we are at today, it would be good to have a project update at the next Parks and Recreation Committee meeting of council to cover all the bases. A project of this magnitude is going to have change orders. To give a prelude of the things that we specked out and quite frankly we didn't like because once the building started going up and you start looking at it, it doesn't look quite right so there's some major adjustments that are being made that will enhance the end product.

Motion: Knepley Second: Durham
to approve Change Order No. 2 to Midwest Contracting in the amount of \$146,029.91

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-

Motion Passed Yea-7, Nay-0.

Apply for Safe Routes to School Funding

Mazur pointed out because of the timing of the due date for the grant application, suspension will be requested on second read of the legislation. Baer asked if this is different than what we talked about a few years ago with the sidewalk on Jahns Road? Mazur replied this is different. We were not fully funded for that project that is scheduled to be under construction next year. That project will be Jahns Road and the path leading into downtown. A lot of times, ODOT will look at how much you are requesting on your application, I believe we asked for \$1.1 million and they gave us \$750,000. The other pieces that we wanted to add in we are trying to add into the Safe Routes to School Grant. We are not getting everything in there, but this is a key component to that. I will say the schools had a lot of input. They have been really great to work with and there are a lot of good people in that organization. There are a lot of positive things happening in and around the campus area as a part of the Napoleon Area School Campus Improvement Agreement that we entered into with them not too

long ago. The Safe Routes to School grant is a part of that agreement and we made a commitment to partner with them on this grant application. Siclair asked was the most recent payment to them the first installment or second? Mazur replied last year was the first and before the third payment and final payment is made, we will have a discussion either in a full council session or in a committee. Maassel pointed out it is going to get approved by the full Council. It's just to make sure that they are going through the steps. Mazur said they are going to bid right now on the big project and sounds like they are moving right along.

Motion: Baer Second: Siclair
to direct the Law Director to draft legislation approving Applying for the Safe Routes to School Grant

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

Appointment of Two Councilmembers to the 2021 Tax Incentive Review Council (TIRC)

Motion: Bialorucki Second: Comadoll

to appoint Councilman Bialorucki and Councilman Durham to the Henry County CIC 2021 Tax Incentive Review Council

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

Approval of Donation in the Amount of \$948.52 for DARE Graduation Shirts from the Henry County Law Enforcement Trust Fund

Chief Mack thanked the Prosecutor's Office for this donation

Motion: Durham Second: Knepley

to approve the donation from the Henry County Law Enforcement Trust Fund in the amount of \$948.52

Roll call vote on the above motion:

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

Nay-

Motion Passed Yea-7, Nay-0.

COUNCIL COMMENTS / AROUND THE TABLE

Knepley. Congrats to the Lady Cats on two really cool NLL wins. I'm thinking about those snowplow drivers tonight, they did a really nice job during the last snowstorm. I heard a lot of good things from people. Thank-you.

Comadoll. I have noticed for about the last three months there is a basketball hoop in the road up on Main Street. If you go up there or drive by it, the snow plow has a big path out and around it. It probably shouldn't be there, at least we shouldn't be having kids play on the road. I might as well complain about some of the sidewalks. Some of them are great and others haven't been touched. I have three in my neighborhood I saw before I came here that are not touched and with the snow we are going to get it's just more on top of it. Can you have Mr. Schultheis do a little more out there? Mazur – yes. He has been out serving notices and knocking on doors for a lot of people. It takes a little time. Comadoll-one of the houses is on the corner of Strong and Norton Street they auctioned

the house off last week and there was probably fifteen people over there walking through the snow. We're lucky that nobody fell but it probably would have went back on the property owner. Mazur-this is something that is near and dear to me especially in thoroughfares. A lot of times especially in heavier snow what you'll see happen is people walking out into the road because it's plowed and then you get that chance of hit skips and things like that and that is a concern. Comadoll-I appreciate it and if you can get it enforced a little more, I would really appreciate it. Thank-you.

Sicclair. I'm going to pile on the snow a little bit more. I had someone a bit concerned and I have experienced this myself, the downtown streets are plowed nicely but then, there's quite a bit of snow piled up on the curb so when you get out of your car it's hard to get onto the sidewalks. I'm sure it's difficult when cars are parked and whatever else but don't we have smaller equipment that could run along the edge and get some of that cleaned up? Mazur - that is a concern. I will say a lot of times we do get some of the snow from the sidewalks pushed back out into the street too. You know, where do you put it all? The property owners want the snow away from the building and we don't want that seeping into their basements. The snow has to go somewhere, there's just nowhere else to put it now. When we have three, four, five or six inches of snow we can manage it but, when it gets like tonight and have heavy snowfalls we have to hire out a contractor with loaders to haul the snow out to the Yard Waste Site. Maassel asked it goes to the Yard Waste Site or does it go down by the boat ramp at Ritter Park? Mazur – it has to go to the Yard Waste Site now. We are not allowed to put it along the river anymore, per the EPA. Rathge - well the snow downtown is really a timing issue. That last snow we got I thought everything looked really good Sunday night. We had everything rolled out from the curb and then Monday morning all the sidewalks got shoveled off. So, you tell me, it can be done. Sicclair-I don't know if business owners would want to take it upon themselves to make sure there's a path cleared. Mazur- it really is the property owner's responsibility to manage it or the occupant. You know residents have to shovel their sidewalks and that's the same deal with downtown, the property owner has to shovel the sidewalks. The priority for Rathge is to clear the roads. The Parks and Rec guys in really bad storms will help out downtown. Cotter pointed out if it's a level two my guys will come in and help remove snow from the downtown and actually clean the sidewalks off. Mazur - I think what you are saying is you want a path carved out so you have paths between the cars or something like that. Sicclair - we don't have snow that many times every year, it was an issue that was brought up. Mazur - it's a complicated issue. Snow removal is not rocket science but, it is a lot of work, it takes a lot of time and it costs a lot. Rathge and Cotter have managed it for many years and have been very effective at it. Maassel – they are doing one heck of a job, they really are. The snow is not stopping and they are still out there!

Maassel. Keep fighting the fight with the snow removal. I will echo what Knepley said about the Lady Cats being repeat NLL champs and also recognize our sectional bowling team that were champions. I would request an Executive Session after this for Personnel.

Baer. The Safety and Human Resources Committee will be meeting next Monday at 7:30 pm with the townships. I received a question from my old neighborhood, what are they doing on Michigan Avenue, is that something sewer related? Mazur - you're talking about the spray markings? Baer-yeah the markings and the holes in the yards. Mazur – they are doing survey work and was going to do that before the snow hit. They will come back. This is for the annual resurfacing projects. Baer- there is a gentleman in the back of the room tonight that has been working for the Napoleon Police Department for the past 25 years as of now. Prior to that he had some time in the auxiliary. Thank-you for your service and your longevity.

Haase. I have nothing tonight.

Durham. Nothing for me tonight.

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley
Nay-
Motion Passed Yea-7, Nay-0.

Approved:

March 1, 2021

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Submitted by:

Roxanne Dietrich, Clerk of Council

DRAFT

ORDINANCE NO. 003-21

AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED CODE OF ORDINANCES OF THE CITY OF NAPOLEON, OHIO, SPECIFICALLY SECTION 955.09(J) REGARDING MOTORIZED CART FEES

WHEREAS, the Parks and Recreation Board met on February 3, 2021 and, in order to provide the opportunity for residents to utilize their private golf carts while at the Municipal Golf Course, determined it appropriate to create certain golf rates; and,

WHEREAS, this Council has considered this recommendation, and now deems appropriate that golf rates as listed below shall be created; **Now Therefore**,

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

Section 1. That, Section 955.09 of the Codified Code of Ordinances of the City of Napoleon, Ohio shall remain as is currently written, with the addition of the following section to 955.09; which reads as follows:

“(j) Fee for motorized cart use shall be as follows:

(1) Motorized cart fee: The privilege of using a non-City motorized cart on the course is restricted to persons holding a valid annual golf privilege card. The cart shall be used only by the holder of such card or his or her immediate family, and guests accompanied by the holder or a member of the holder's immediate family. The annual privilege rental fee is \$260.00 if gas powered, with an additional \$20.00 being charged if the motorized cart is electrically powered. The annual privilege private cart fee is \$130.00.

(2) Motorized cart rental 9 holes

\$7.00 per person with a maximum of two carts per group.

(3) Motorized cart rental 18 holes

\$10.00 per person with a maximum of two carts per group.

(4) Prepaid discount motorized cart rental for 10 rounds of 9 holes

\$55.00 per person

(5) Private motorized cart 9 holes

\$3.50 per person with a maximum of two carts per group.

(6) Private motorized cart 18 holes

\$5.00 per person with a maximum of two carts per group.

(7) Prepaid discount private motorized cart rental for 10 rounds of 9 holes

\$27.50 per person.”

Section 2. That, this Ordinance No. 003-21 amends Ordinance No. 003-18 so as to incorporate and adopt all identified changes noted herein. The remaining, unchanged portions of Ordinance No. 003-18 remain in full force and effect as it existed prior to the changes.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open

meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 5. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 003-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 004-21

AN ORDINANCE APPROVING THE RENEWAL OF A CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY OF NAPOLEON, OHIO AT THE LOCATION OF COUNTY ROAD P AS APPLIED FOR BY LINDA OTERMAT; AND DECLARING AN EMERGENCY

WHEREAS, City Council previously authorized land owned by Linda L. Otermat, to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, a renewal application has been made by Linda L. Otermat, pursuant to R.C. Chapter 929, for the purpose of keeping the one hundred sixty-four and forty-eight one hundredths (164.48) more or less acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on February 15, 2021; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the application submitted to the City of Napoleon, Ohio for the placement of 164.48 acres of farmland into an agricultural district, identified in the original application as at the location of County Road P, Napoleon, Henry County, Ohio; the tax district being Harrison Township, Napoleon School District, Parcel Number 22-180026-0000, consisting of 31.08 acres of land more or less, Parcel Number 22-180038-0000, consisting of 21 acres of land more or less, Parcel Number 22-180040-0000, consisting of 50.11 acres of land more or less, Parcel Number 22-180042-0000, consisting of 7.77 acres of land more or less, Parcel Number 22-180050-0000, consisting of 20.98 acres of land more or less, and Parcel Number 22-180024-0000, consisting of 27.54 acres of land more or less, are hereby approved without modification by this Council pursuant to Ohio Revised Code Chapter 929 and this Ordinance as a renewal application.

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

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further,

if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for the timely commencement of the necessary process, and for further reasons as stated in the Preamble hereof.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

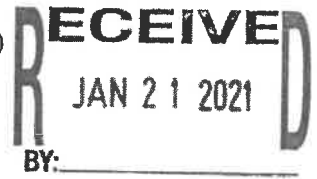
I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 004-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

(See page 4 for General Information regarding this Application)

New Application _____
Renewal Application XX



INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A.

Owner's Name:	OTERMAT, LINDA LEE
Owner's Address:	12-530 COUNTY ROAD P NAPOLEON, OH 43545
Owner's Email (optional):¹	
Description of Land as Shown on Property Tax Statement:	
Location of Property:	Street or Road- COUNTY ROAD P COUNTY ROAD 12 12-724 COUNTY ROAD P
	County-

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
HARRISON TWP	221800260000	31.08
	221800380000	21
	221800400000	50.11
	221800420000	7.77
	221800500000	26.98
	241800240000	27.54
Total Number of Acres		164.48

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
 Yes No *→ PEROR*
If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?

Yes No

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes No

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application, I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

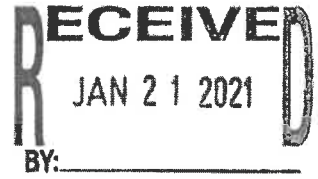
Signature of Owner:

Linda Lee Otecmat

Date:

1/21/21

DO NOT COMPLETE FOR OFFICIAL USE ONLY



Action of County Auditor

CAUV Application No. 3390

AG DISTRICT # 11006

Application Approved Rejected *

Date Application Filed with County Auditor 2011 original

Date Filed (if required) with Clerk of Municipal Corporation 1/22/21

County Auditor's Signature [Signature] Date 1/22/21

Date Decision Mailed and Emailed¹ to Applicant _____

Email Address ¹ _____

OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved Approved with Modifications * Rejected *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed and Emailed¹ to Applicant _____

Email Address ¹ _____

OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

Re: Linda Otermat

Kim Franz <kfranz@napoleonohio.com>

Wed 2/3/2021 1:08 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

Thank you

Kim Franz
Sr. Acct. Clerk
City of Napoleon
419-599-1235, ext 4077

From: Roxanne Dietrich <rdietrich@napoleonohio.com>

Sent: Wednesday, February 3, 2021 1:07 PM

To: Kim Franz <kfranz@napoleonohio.com>

Subject: Re: Linda Otermat

Correction.

The next City Council meeting is Monday, February 15, 2021.

From: Kim Franz <kfranz@napoleonohio.com>

Sent: Wednesday, February 3, 2021 12:58 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

Subject: Linda Otermat

Rox,

Could you put this on the Council agenda for Monday night.

Thank you,

Kim Franz
Sr. Acct. Clerk
City of Napoleon
419-599-1235, ext 4077

RESOLUTION NO. 005-21

A RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR MAYOR OF THE CITY OF NAPOLEON TO SIGN THE APPLICATION IN ORDER TO EXECUTE THE NECESSARY CONTRACTS AND DOCUMENTS TO APPLY FOR THE SAFE ROUTES TO SCHOOL PROGRAM ROUND ONE FROM THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF IMPLEMENTING A SAFE ROUTES TO SCHOOL PROGRAM AND COMPLETING A SAFE ROUTES TO SCHOOL TRAVEL PLAN; AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Napoleon, Ohio, finds it necessary to implement a Safe Routes to School Program and complete a Travel Plan; and,

WHEREAS, such a program and plan will enable and encourage children, including those with disabilities, to walk and bicycle to school; and,

WHEREAS, such a program and plan will make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and,

WHEREAS, such a program and plan will facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of elementary and junior/senior high schools; and,

WHEREAS, this Council finds it necessary to apply for a Round One Grant Application on behalf of the City of Napoleon, through the Ohio Department of Transportation's Safe Routes to School Funding Program whose application deadline is March 05, 2021. **Now Therefore,**

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

Section 1. That, this Council does hereby support the Safe Routes to School Program and does hereby authorize the City Manager and/or Mayor of the City to sign the application and execute the necessary contracts for Round One Funds being submitted to the Ohio Department of Transportation.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to be eligible for receiving funding for a program that is essential to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 005-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 002-21

AN ORDINANCE ACCEPTING THE ANNEXATION TO THE CITY OF NAPOLEON OF 3.038 ACRES OF LAND MORE OR LESS OWNED BY WILLIAM R. MEYERS

WHEREAS, the City of Napoleon has previously entered into an annexation agreement with William R. Meyers in compliance with an Expedited Type I Annexation of approximately 3.038 acres of land more or less which is currently in the Township of Napoleon, Henry County, Ohio and more fully described in Exhibit "A" which is attached and incorporated herein; and,

WHEREAS, the City of Napoleon has previously consented to said annexation by the approval of Resolution No. 052-20, passed November 16, 2020, and the City of Napoleon now chooses to accept said annexation; and,

WHEREAS it is the intent of the City of Napoleon to respond accordingly; **Now therefore**,

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

Section 1. That, the Council of the City of Napoleon, Ohio does hereby accept the annexation of the territory proposed and described in Exhibit A which is attached and incorporated herein. The zoning classification for this parcel is set at R-1, this classification shall be reflected on the Official Zone Map of the City of Napoleon.

Section 2. That, the Clerk of Council is hereby directed to forward a copy of this Ordinance to the Henry County Board of Commissioners, the Henry County Auditor, the Henry County Recorder, and the Secretary of State for Ohio.

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 002-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

Ordinance No. 002-21 Exhibit A

Situated in the Township of Napoleon, County of Henry and State of Ohio and known as:

Being a part of the Northeast Fractional Quarter (1/4) and a part of the Southeast Quarter (1/4) of Section Twenty-seven (27), Town 5 North, Range 6 East, Napoleon Township, Henry County, Ohio, and which is more particularly described as follows:

Beginning at an iron pin and cap set at the intersection of the South line of the Northeast Fractional Quarter (1/4) of Section 27, with the Easterly right-of-way line of the Miami and Erie Canal;

Thence North 34° 36' 00" West, (assumed bearing for the purpose of this description), on the Easterly right-of-way line of the of the Miami and Erie Canal, forty-one and thirty-eight hundredths (41.38) feet to an iron pin and cap set;

Thence North 4° 41' 00" West, on the aforesaid line, one hundred fifty-six and fifty-three hundredths (156.53) feet to an iron pin and cap set;

Thence North 6° 37' 30" East, on the aforesaid line, one hundred eighty-seven and seventy-three hundredths (187.73) feet to an iron pin and cap set;

Thence North 15° 30' 00" East, on the aforesaid line, five hundred sixty-four and thirty-four hundredths (564.34) feet to a point at the intersection of the aforesaid line with the approximate waters edge of the Maumee River;

Thence South 0° 00' 00" West, on the approximate waters edge of the Maumee River, two hundred seventy-four and thirty-four hundredths (274.34) feet to a point;

Thence South 7° 00' 00" East, on the aforesaid line, five hundred twenty-six and thirty-five hundredths (526.35) feet to a point;

Thence South 15° 07' 00" East, on the aforesaid line, thirty and fourteen hundredths (30.14) feet to a point;

Thence South 34° 00' 04" West, one hundred twenty and thirty-four hundredths (120.34) feet to a point on the South line of the Northeast Fractional Quarter (1/4) of Section 27;

Thence continuing South 34° 00' 04" West, one hundred twenty-three and forty-nine hundredths (123.49) feet to a point on the Easterly right-of-way line of the Miami and Erie Canal;

Thence North 32° 31' 39" West, on the Easterly right-of-way line of the Miami and Erie Canal, fifty-five and zero hundredths (55.00) feet to an iron pine and cap set;

Thence North 34° 36' 00" West, on the aforesaid line, seventy-four and forty-four hundredths (74.44) feet to the point of beginning.

Containing 3.038 acres of land, more or less, of which 2.870 acres of land is in the Northeast Quarter (1/4) and 0.168 acres of land is in the Southeast Quarter (1/4), subject to all legal highways, easements, zoning regulations or restrictions of record.

(This description is based on a field survey by Douglas W. Eis, Registered Surveyor No. 7758)

Parcel No. 07 270088.0000

ORDINANCE NO. 001-21

**AN ORDINANCE AMENDING ORDINANCE NO. 067-20
REGARDING COMPENSATION OF THE NAPOLEON
MUNICIPAL COURT BAILIFF IN AND FOR THE YEAR 2021;
AND DECLARING AN EMERGENCY**

WHEREAS, Council previously adopted Ordinance No. 067-20, creating a 2021 Classification Pay Plan for its non-bargaining employees; and,

WHEREAS, Pursuant to Ohio Revised Code Section 1901.33 the Municipal Court Judge has requested an amendment regarding compensation of the Municipal Court Bailiff; and,

WHEREAS, Pursuant to Ohio Revised Code Section 1901.33 the Municipal Court Judge is empowered to appoint a Bailiff without advertising for this position and is further empowered to set the compensation for this position as long as the compensation is reasonable; and,

WHEREAS, Council now desires to amend Ordinance No. 067-20 to amend the pay scale for the position of Municipal Court Bailiff; and,

WHEREAS, Exhibit B, attached hereto and incorporated herein, reflects the amendment to be made; and

WHEREAS, Council desires to make said compensation amendments effective on the pay period starting on or about February 1, 2021; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") had previously established a new 2021 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees, passed by Council on January 4, 2021.

Section 2. That, effective with the pay period for the Year 2021, that commences on or about February 1, 2021, the amendments as listed in Exhibit "B" shall be in effect.

Section 3. That, this Ordinance allows the terms and conditions of this pay Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, the position of Municipal Court Bailiff as established in and for the City for the Napoleon Municipal Court shall be considered a full time regular employee having a salary, exempt status. The job description as included in the Pay Plan, as prepared and/or revised by the Municipal Court Judge, continues to be approved by this Council. The Municipal Court Bailiff shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Municipal Court Bailiff's salary at any time so long as within the limits of Exhibit B.

Section 5. That, no further amendments shall be effectuated by this legislation and all previous provisions in effect prior to this legislation regarding compensation of City employees shall remain in effect.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open

meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 001-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

Exhibit "B"
(Based on an 80 hour pay period)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Assistant to the City Engineer	\$2,821.22	\$3,255.26
City Engineer	3,309.51	4,014.81
Public Works Director*	3,936.09	4,712.67
Golf Course & Grounds Superintendent	2,010.12	2,702.02
Parks & Recreation Director/Cemetery	1,821.64	3,166.04
Assistant Finance Director	3,006.15	3,489.63
Electrical Engineer	3,130.73	3,646.10
Electric Distribution Superintendent	3,191.92	3,931.98
IT Administrator	1,969.32	2,925.47
Human Resources Director	2,245.29	3,407.31
Municipal Court Bailiff	1,405.49	1,405.49 1,730.77
Municipal Court Clerk	1,902.91	2,128.43
Assistant Fire Chief	2,224.43	3,255.26
Fire Chief	2,766.96	3,653.04
Operations Superintendent	2,295.37	3,255.26
Water Superintendent	2,513.06	3,386.92
Wastewater Superintendent	2,513.06	3,386.92
Chief of Police	2,917.20	3,761.55

*Lump sum of \$1,500.00 not in base

**AGREEMENT
FOR
PROFESSIONAL SERVICES**

This Agreement for Professional Services (this “Agreement”), made as of _____, 2021, by and between the CITY OF NAPOLEON, OHIO (the “City”), whose contact person shall be designated below or successor, and COURTNEY & ASSOCIATES (the “Consultant”), whose contact person and address are set forth below.

Whereas, the City is operating under its Charter, ordinances, resolutions and Chapter 153 of the Ohio Revised Code and it is the intention of the City to obtain professional services for the following project (the “Project”):

Project Name: ***Electric Rate and Cost of Service Study***
Contract No. ***2021-02***

City Contact: ***Joel L. Mazur***
Address: 255 W. Riverview Avenue
 P.O. Box 151
 Napoleon, Ohio 43545-0151

Consultant: ***Courtney & Associates***
Contact: ***John T. Courtney (Project Manager)***
Address: 1016 North Blanchard Street, Suite A
 P.O. Box 676
 Findlay, Ohio 45839

Whereas, the Client desires to enter into an Agreement for Professional Services; and

Whereas, Courtney & Associates is in the business of providing Professional Services as required under the terms of this Agreement;

Now, Therefore, in consideration of the mutual promises herein contained, the City and the Consultant agree as follows:

ARTICLE 1 RESPONSIBILITIES OF CONSULTANT

1.1 Consultant’s Services

1.1.1 Scope of Services; Applicable Law. The Consultant shall provide professional services for the Project in accordance with the terms of this Agreement. The Consultant shall provide such services in accordance with the applicable provisions of the City’s Charter, Ordinances and Resolutions, the applicable Sections of the Ohio Revised Code and any applicable state rules and regulations, any applicable federal and local statutes, ordinances, rules and regulations, and the Contract Documents for the Project, as in effect from time to time.

- 1.1.2 Project Budget. The total amount available for the completion of the requested services within this Project is **Thirty-Five Thousand (\$35,000.00) Dollars** (the “Budget”). The Budget shall not be exceeded without the written consent of the City. The City shall provide written notice to the Consultant of any change in the Budget.
- 1.1.3 Timeliness; Standard of Care. The Consultant shall perform the Consultant’s services in accordance with professional standards of skill, care and diligence in a timely manner in accordance with the Project Schedule, insofar as is practicable. The Consultant will provide a detailed schedule of efforts related to the Project prior to commencing with efforts related to the Project.
- 1.1.4 Personnel. No principal individuals, other than John Courtney (Project Manager), shall complete primary roles and tasks related to the Consultant’s services without the written consent of the City.
- 1.1.5 Non-Discrimination. The Consultant represents that the Consultant is in compliance with all applicable equal employment opportunity requirements under law, if required by Section 153.59 of the Ohio Revised Code or any other applicable state or federal law.
- 1.1.6 Consultants. N/A
- 1.1.7 Ethics Laws. The Consultant represents that it is familiar with all applicable ethics law requirements, including without limitation Sections 102.04 and 3517.13 of the Ohio Revised Code, and certifies that it is in compliance with such requirements.
- 1.1.8 Limitation of Authority. The Consultant shall not have any authority to bind the City for the payment of any costs or expenses without the express written approval of the City. The Consultant shall not have any authority to authorize any Contractor or Subconsultant to perform additional or extra Work for which the Contractor or Subconsultant will seek compensation. The Consultant shall have authority to act on behalf of the City only to the extent provided herein. The Consultant’s authority to act on behalf of the City shall be modified only by an amendment in accordance with Subparagraph 9.5.2.
- 1.1.9 Approval or Disapproval of Consultant’s Services. The City shall have the right to reasonably disapprove any portion of the Consultant’s services for the Project, including, without limitation, any reports or documents prepared by the Consultant. The failure of the City to disapprove does not constitute City approval nor shall it add liability to the City or relieve the Consultant of liability. In the event that any task of the Consultant’s services is disapproved by the City, the Consultant shall proceed, when requested by the City, with revisions to the services or documents prepared or performed for that task to attempt to satisfy the objections. The Consultant acknowledges that any review or approval by the City of any services or documents prepared or performed by the Consultant pursuant to

this Agreement shall not relieve the Consultant of the Consultant's responsibility to properly and timely perform such services and prepare such documents.

ARTICLE 2 SCOPE OF CONSULTANT'S BASIC SERVICES

2.1 General

The Consultant shall provide the Basic Services as to this project are identified in Appendix B. Appendix B is incorporated by reference to the terms and conditions set forth in this Agreement.

ARTICLE 3 ADDITIONAL SERVICES

3.1 General

Consultant will provide additional services as requested by the City as are necessary during the development of the project and as set forth in writing by the City to Consultant. Additional services provided by Consultant will be charged on the basis of the Fee Schedule set forth in Appendix A attached to this Agreement. Appendix A is incorporated by reference to the terms and conditions set forth in this Agreement. Any additional services provided shall be reflected by amendment to the Scope of Services or by addendum in writing to this Agreement.

ARTICLE 4 RESPONSIBILITIES OF THE CITY

- 4.1 Required Actions. The City shall review, approve or take such actions as are required of the City by this Agreement and applicable law in a timely manner.
- 4.2 Notification. The City shall provide all criteria and full information as to Consultant's requirements for the project; a designated person to act with authority on the City's behalf and respect to all aspects of the project; examine and respond promptly to Consultant's submissions; and give prompt, written notice to Consultant whenever the City observes or otherwise becomes aware of any defect or objection in the work.

ARTICLE 5 COMPENSATION

- 5.1 Compensation. Compensation shall be paid by the City to the Consultant for Basic Services, Additional Services and expenses as provided in Appendix "A" attached and made a part of this Agreement, in an amount not to exceed **Thirty-Five Thousand (\$35,000.00) Dollars.** Invoices will be paid within thirty (30) days of invoice submittal to the City and the orderly and continuous progress of the Project.

ARTICLE 6 INSURANCE AND INDEMNIFICATION

6.1 Insurance

- 6.1.1 Casualty Insurance. Except when a modification is requested in writing by the Consultant and approved in writing by the City, the Consultant shall carry and maintain at the Consultant's cost, with companies authorized to do business in Ohio, all necessary liability insurance (which shall include as a minimum the requirements set forth below) during the term of this Agreement:
- a.) Worker's Compensation and employer's liability insurance to the full extent as required by applicable law;
 - b.) Commercial general liability coverage for bodily injury and property damage, including limited contractual liability coverage in not less than the following amounts:
 - i. General Aggregate Limit: \$2,000,000;
 - ii Each Occurrence Limit: \$1,000,000; and
 - c.) Commercial automobile liability coverage, including non-owned and hired, in an amount not less than \$1,000,000.00.
- 6.1.2 Professional Liability Insurance. Except when a waiver is requested in writing by the Consultant pursuant to Section 153.70 of the Ohio Revised Code and approved in writing by the City, the Consultant shall maintain insurance to protect against claims arising from the performance of the Consultant's services on the Project caused by any negligent acts, errors or omissions for which the Consultant is legally liable ("Professional Liability Insurance"). Except when a modification is approved by the City in writing, such Professional Liability Insurance shall be in an amount not less than One Million Dollars (\$1,000,000) per claim and in the annual aggregate. The Consultant shall endeavor to keep such insurance in effect for so long as the Consultant may be held liable for its performance of services for the Project. If the Professional Liability Insurance is written on a claims-made basis, such insurance shall have a retroactive date no later than the date on which the Consultant commenced to perform services relating to the Project. The insurance company issuing the Professional Liability Insurance policy must be authorized to do business in Ohio and have a rating of at least A status as noted in the most recent edition of the Best's Insurance Reports.
- 6.1.3 Certificates. The Consultant shall provide the City with certificates of insurance evidencing the required coverages and amounts, including without limitation any certificates of renewal of insurance. The certificates of insurance shall contain a provision that the policy or policies will not be canceled without thirty (30) days prior written notice to the City.

6.2 Indemnification

6.2.1 Indemnification by Consultant Generally. To the fullest extent permitted by law, the Consultant shall and does agree to indemnify and hold harmless the City and the City's members, officials, officers, employees and representatives from and against all claims, damages, losses, liens, causes of action, suits, judgments and expenses (including reasonable attorney's fees and other costs of defense), of any nature, kind or description, which arise out of, are caused by or result from performance of the Consultant's services hereunder and are attributable to bodily injury, personal injury, sickness, disease or death of any person, or to damage to or destruction of property, including the loss of use and consequential damages resulting therefrom, but only to the extent that they are caused by any negligent acts, errors or omissions of the Consultant, anyone directly or indirectly employed by the Consultant or anyone for whose acts the Consultant may be legally liable.

6.2.2 Intellectual Property Indemnification. To the fullest extent permitted by law, the Consultant shall and does agree to indemnify and hold harmless the City and the City's members, officials, officers, employees and representatives from and against all claims, damages, losses, liens, causes of action, suits, judgments and expenses (including reasonable attorney's fees and other costs of defense), of any nature, kind or description, which result from any claimed infringement of any copyright, patent or other intangible property right by the Consultant, anyone directly or indirectly employed by the Consultant or anyone for whose acts the Consultant may be legally liable.

6.2.3 Paragraphs 6.2.1, 6.2.2 and this 6.2.3 shall survive termination of this Agreement.

ARTICLE 7 DISPUTE RESOLUTION PROVISIONS

7.1 Mediation. Instead of, or in addition to, the procedures set forth below, the City and the Consultant may, by written agreement, submit any claims, requests, disputes or matters in question between them to non-binding mediation upon such terms as shall be mutually reasonably agreeable.

7.2 Notice and Filing of Requests. Any request by the Consultant for additional fees or expenses shall be made in writing to the City and filed prior to payment of the final five percent (5%) of the Basic Fee.

7.3 Request Information. In every written request filed pursuant to Paragraph 7.2, the Consultant shall provide the nature and amount of the request; identification of persons, entities and events responsible for the request; activities on the Project Schedule affected by the request or new activities created by any delay and the relationship with existing activities; anticipated duration of any delay; and recommended action to avoid or minimize any future delay.

7.4 Meeting With Authorized Representative. If the Consultant files a written request with the City pursuant to Paragraph 7.2, the Authorized Representative shall, within forty-five (45) days of receipt of the request, schedule a meeting in an effort to resolve the request and render a decision on the request promptly thereafter or render a decision on the

request without a meeting, unless a mutual agreement is made to extend such time limit. The meeting scheduled by the Authorized Representative shall be attended by persons expressly and fully authorized to resolve the request on behalf of the Consultant.

- 7.5 Appeal To City Council. If the efforts of the Authorized Representative do not lead to resolution of the request, the Consultant may appeal to the City Council by notice in writing. The Consultant shall be permitted to appear at the next meeting of City Council at which the Consultant's appeal can be reasonably scheduled. The decision of the City Council shall be the final and conclusive determination of the City, subject to litigation in a court of competent jurisdiction.
- 7.6 Delegation. No provision of this Article shall prevent the Authorized Representative from delegating the duties or authorities of the Authorized Representative to any other person selected at the discretion of the Authorized Representative.
- 7.7 Performance. The Consultant shall proceed with the Consultant's performance of this Agreement during any dispute resolution process, unless otherwise agreed by the Consultant and the City in writing. The City shall continue to make payment, in accordance with this Agreement, of any amounts not in dispute pending final resolution of any dispute in accordance with this Article.

ARTICLE 8 TERMINATION AND REMEDIES

8.1 Termination of Agreement

- 8.1.1 Means of Termination. This Agreement may be terminated by either party upon seven (7) days written notice should the other party fail to perform in accordance with the terms of this Agreement; provided, however, the Consultant shall not terminate this Agreement for non-payment if the City initiates the payment process by preparing, executing and submitting a voucher for all reasonably undisputed amounts due to the Consultant within ten (10) days of receipt of the Consultant's written notice to terminate. This Agreement may be terminated by the City, in whole or in part, without cause upon fifteen (15) days written notice to the Consultant. This Agreement may be terminated at any time upon the mutual consent of the City and the Consultant.
- 8.1.2 Consultant's Remedies Upon Termination by City Without Cause or Termination by Consultant. In the event of a termination which is not due to the failure of the Consultant to perform in accordance with the terms of this Agreement, the Consultant shall be compensated for all Basic Services and Additional Services performed prior to the termination date—together with Reimbursable Expenses incurred prior to the termination date.
- 8.1.3 Consultant's Remedies Upon Termination by City for Cause. In the event of a termination which is due to the failure of the Consultant to perform in accordance with the terms of this Agreement, the Consultant shall be compensated only for the actual documented time for the execution of the Basic Services performed and paid for prior to the termination date, together with the Additional Services completely performed prior to the termination date. In such event, the Consultant

shall be reimbursed only for Reimbursable Expenses incurred prior to the date of the notice of termination, unless the City consents in writing to the payment of Reimbursable Expenses incurred after that date.

8.1.4 Consultant's Remedies Upon Termination by Mutual Consent. In the event of a termination upon the mutual consent of the City and the Consultant, any compensation for Basic Services or for Additional Services or payment of Reimbursable Expenses shall be negotiated and set forth in an amendment to this Agreement in accordance with Subparagraph 9.5.2 prior to such termination.

8.1.5 Post-Termination Matters. If the City and the Consultant agree that any services are to be performed for the Project by the Consultant after any termination date, the amount of any compensation and the method and terms of payment of such compensation or any Reimbursable Expenses related to such services shall be negotiated and set forth in an amendment to this Agreement in accordance with Subparagraph 9.5.2 prior to the commencement of such services. Such amendment and any relevant provisions of this Agreement shall survive termination of this Agreement.

8.2 Remedies

8.2.1 Cumulative Remedies. No remedy conferred upon the City by the terms of this Agreement is intended to be exclusive of any other remedy provided at law or in equity. Each and every remedy of the City shall be cumulative and shall be in addition to any other remedy provided to the City hereunder or now or hereafter existing. Except as otherwise provided in this Agreement, no remedy conferred upon the Consultant by the terms of this Agreement is intended to be exclusive of any other remedy provided at law or in equity. Except as otherwise provided in this Agreement, each and every remedy of the Consultant shall be cumulative and shall be in addition to any other remedy given to the Consultant hereunder or now or hereafter existing.

8.2.2 Remedies Not Waived. No delay, omission or forbearance to exercise any right, power or remedy accruing to the City or the Consultant hereunder shall impair any such right, power or remedy or shall be construed to be a waiver of any breach hereof or default hereunder. Every such right, power or remedy may be exercised from time to time and as often as deemed expedient.

ARTICLE 9 MISCELLANEOUS PROVISIONS

9.1 Ownership And Use Of Documents

9.1.1 Property Of City. Documents prepared by, or with the cooperation of, the Consultant or any Subconsultant pursuant to this Agreement including all copyrights, are the property of the City whether or not the Project for which they are prepared is commenced or completed. The Consultant or Subconsultant, as applicable, may retain copies, including reproducible copies of such documents for information and reference. Such documents may be used by the City or others employed by the City for reference in any completion, correction, remodeling,

renovation, reconstruction, alteration, modification of or addition to the Project, without compensation to the Consultant or Subconsultant. Such documents shall not be used by the City, or be given or sold by the City to be used by others, on other projects except by agreement in writing and with agreed upon appropriate compensation to the Consultant or Subconsultant, as applicable. If an event occurs for which the Consultant or Subconsultant may be liable, the City shall notify the Consultant or Subconsultant of such event as soon as practical after such event. This Subparagraph shall survive termination of this Agreement.

9.1.2 Consultant's Intellectual Property. All inventions, patents, design patents and computer programs acquired or developed by the Consultant in connection with or relation to the Project shall remain the property of the Consultant and shall be protected by the City from use by others except by agreement in writing with appropriate and agreed upon compensation to the Consultant.

9.2 Public Relations

Prior to completion of the Project, any public relations or publicity about the Project shall be solely within the control and with the consent of the City. The Consultant shall not use the City's name or seal, nor any adoption thereof, for any advertising or trade purposes, including without limitation press releases, without the express written consent of the City.

9.3 Records

The records of all of the Consultant's employees' time devoted to the Project shall be kept on a generally recognized accounting basis and shall be available to the City upon written request and shall be maintained for seven (7) years after Final Acceptance of the Project by the City. All other records kept by the Consultant related to the Project shall be available to the City upon written request and shall be maintained for six (6) years after Final Acceptance of the Project by the City.

9.4 Successors And Assigns

The City and the Consultant, each bind themselves, their successors, assigns and legal representatives, to the other party to this Agreement and to the successors, assigns and legal representatives of the other party with respect to all terms of this Agreement. The Consultant shall not assign, or transfer any right, title or interest in this Agreement without the prior written consent of the City.

9.5 Extent Of Agreement

9.5.1 Entire Agreement. This Agreement represents the entire and integrated agreement between the City and the Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

9.5.2 Amendments. This Agreement may be amended only by an amendment prepared by the City and signed by both the City and the Consultant.

9.5.3 Multiple Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

9.5.4 Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections hereof.

9.5.5 Precedence. N/A

9.5.6 Conditions To Validity. None of the rights, duties and obligations contained in this Agreement shall be binding on any party until all legal requirements have been complied with and all necessary funds are available.

9.5.7 Conflict. In the event of conflict between this agreement provisions, Article 1 thru 9 and Appendix B, said Articles 1 thru 9 shall prevail.

9.6 Governing Law

9.6.1 Law Of Ohio. This Agreement shall be governed by the law of the State of Ohio to the exclusion of the law of any other jurisdiction and the Henry County, Ohio, Court of Common Pleas, shall have jurisdiction over any action hereunder or related to the Project to the exclusion of any other forum.

9.6.2 Capitalized Terms. Capitalized terms in this Agreement shall have the same meaning as those defined herein or unless another meaning is indicated by the context.

9.7 Notices

9.7.1 Addresses. All notices, certificates, requests or other communications hereunder shall be in writing and shall be deemed to be given if delivered in person to the individual or to a member of the entity for whom the notice is intended, or if delivered at or mailed by registered or certified mail, postage prepaid, or sent by facsimile transmission or electronic mail to the appropriate following address:

If to the City:

Joel L. Mazur
City Manager
City of Napoleon
255 W. Riverview Avenue, P.O. Box 151
Napoleon, Ohio 43545

If to the Consultant:

John T. Courtney
Project Manager
Courtney & Associates
1016 North Blanchard Street, Suite A
P.O. Box 676
Findlay, Ohio 45839

- 9.7.2 Additional Notices. A copy of all notices, certificates, requests or other communications to the City shall be sent to the Authorized Representative.
- 9.7.3 Electronic Transmission. For convenience of communication only, notices, certificates, requests or other communications hereunder of fewer than ten (10) pages, except requests for payment, may be sent by facsimile transmission to the City at (419) 599-8393 or electronic mail at jmazur@napoleonohio.com to the Consultant at (419) 425-2118 or john@courtney-associates.com. Notices, certificates, requests or other communications sent by facsimile transmission shall not be deemed to be given unless confirmed, actually received or a counterpart is received or mailed. Requests for payment may be sent to the City by facsimile transmission or electronic mail only upon specific direction from the City.
- 9.7.4 Emergencies. In the event of an emergency involving the Project, including, without limitation, a fatality, serious injury, fire, collapse, flood, utility or power loss to occupied facilities, explosion, or environmental damage, the Consultant shall endeavor to immediately notify the City by telephone and simultaneously provide any notification required by federal, state or local laws.
- 9.7.5 Change Of Address. The City or the Consultant may, by notice given hereunder, designate any further or different addresses, telephone numbers, facsimile numbers, or electronic mail addresses to which subsequent notices, certificates, requests, or communications shall be sent.

9.8 Severability

If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect any other provision, covenant obligation or agreement, each of which shall be construed and enforced as if such invalid or unenforceable provision were not contained herein. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

9.9 Kickbacks.

The parties to this Agreement shall not provide, attempt to provide, offer to provide, solicit, accept, or attempt to accept any kickback nor will it provide, attempt to provide, offer to provide, solicit, accept, or attempt to accept any kickback during the term of this Agreement; nor shall it knowingly include, directly or indirectly, the amount of any kickback in the estimated cost of the project, nor will it knowingly include, directly or indirectly, the amount of any kickback into any request for reimbursement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

Courtney & Associates - "Consultant"

By: _____
John T. Courtney
Title: Owner

City of Napoleon, "City"

By: _____
Joel L. Mazur
Title: City Manager

Approval:

The legal form and correctness of the written document is hereby approved.

Billy D. Harmon, Law Director

CERTIFICATE of FUNDS

In the matter of:

Electric Rate and Cost of Service Study
Contract No. 2021-02

Agreement With:

Courtney & Associates

Certificate of Fiscal Officer

I, Kelly O’Boyle, Finance Director of the City of Napoleon, Ohio hereby certify that the money to meet this Agreement has been lawfully appropriated for the purpose of the agreement and is in the treasury of the City of Napoleon, Ohio or is in the process of collection to the credit of the appropriate fund free from prior encumbrance.

Kelly O’Boyle, City Finance Director

APPENDIX A

COMPENSATION OF CONSULTANT

A1.) Standard Billing Rate

- A1.1) Standard Billing Rate. Consultant shall be compensated for services provided in connection with this Project at Consultant's standard billing rates set for in Attachment A-1 in an amount **Not to Exceed Thirty-Five Thousand (\$35,000.00) Dollars.** The rates set for in Attachment A-1 may only be modified by mutual written agreement of the parties.
- A1.2) Subconsultant Costs. Additional compensation for the Subconsultant costs not specifically defined within the Scope of services will be charged on an hourly rate basis, without additional markup, at rates agreed-upon by the City and consultant in writing prior to commencing any additional services.
- A1.3) Records. Records of the Consultant's and its Subconsultant's employees for such hours of their time as are devoted to performing services to the Project shall be maintained by the Consultant.
- A1.4) Limit. The Consultant and its Subconsultant shall use all reasonable means to minimize employees' time devoted to performing services under this Agreement.

A2.) Reimbursable Expenses

- A2.1) Definition. Except as provided in the attached Proposal, Reimbursable Expenses means actual expenditures with no mark ups, incurred by the Consultant or its Subconsultants in the interest of the Project approved by the City for travel expense other than for commuting between the Consultant offices and the Project, lodging, subsistence and reproduction of documents obtained from persons other than the City. No other expenditures shall be Reimbursable Expenses unless so provided in an amendment in accordance with Subparagraph 9.5.2.
- A2.2) Limits. The Consultant shall use all reasonable efforts to minimize Reimbursable Expenses.
- A2.3) Reimbursable Expenses Prohibited. Reimbursable expenses will only be permitted when related to an additional service request.

A3.) Basis of Compensation

- A3.1) Basic Fee. For Basic Services provided by the Consultant and all Subconsultants, the City shall pay the Consultant a Basic Fee in accordance with Article 5 Paragraph 5.1. A change in the Basic Fee may be made only by an amendment in accordance with Subparagraph 9.5.2.
- A3.2) Additional Fees. For Additional Services provided by the Consultant and any Subconsultants in accordance with Article 3 of this Agreement, the City shall

pay the Consultant Additional Fees based upon the fee schedule as provided for in this Agreement incurred by the Consultant and any applicable Subconsultant in providing those Additional Services. Additional Fees may be approved only by an amendment in accordance with Subparagraph 9.5.2.

- A3.3) Extent of Basic Fee. The Consultant's Basic Fee includes all compensation for Basic Services, including without limitation, for direct personal expenses, for salaries or other compensation of the Consultant's employees at the principal office, branch offices and the field office, general operating expenses of the Consultant's principal office, branch offices and the field office, any part of the Consultant's capital expenses, including interest on the Consultant's capital employed for the Project, overhead or expenses of any kind, any costs incurred due to the negligence of the Consultant, the Consultant's general advertising, federal, state or local income, sales or other taxes, state franchise taxes and qualification fees, and membership in trade, business or professional organizations.
- A3.4) Total Compensation. The total compensation of the Consultant and all the Subconsultants shall consist of the Basic Fee, any authorized Additional Fees and Reimbursable Expenses.

A4.) Method and Terms of Payment

- A4.1) Basic Fee. Payment of the Basic Fee shall be made monthly in proportion to services performed in each task in accordance with the documented efforts completed by the Consultant.
- A4.2) Additional Fees, Reimbursable Expenses. Payments of Additional Fees for Additional Services in accordance with Article 3 and Subparagraph A3.2) and for Reimbursable Expenses as set forth in Paragraph A2.) shall be made monthly based upon services performed or expenses incurred, as applicable, and as shown upon statements prepared and submitted by the Consultant in such detail as the City may reasonably require to enable the City to verify, evaluate and approve them.
- A4.3) Payments by Consultant. Within fourteen (14) business days of receipt of payment made pursuant to this Agreement, the Consultant shall pay all portions thereof due to Subconsultants and to Persons who provided items the expenses of which are Reimbursable Expenses.
- A4.4) Compensation for Extension of Project Time. If the Consultant notifies the City not less than thirty (30) days prior to the time for completion of the Project that such time for completion is reasonably expected to be exceeded by more than ten percent (10%) through no fault of the Consultant, the compensation, if any, for Basic Services to be rendered during such extended period shall be negotiated to the mutual reasonable satisfaction of the City and the Consultant. If, as a result of such negotiation, the City agrees that the Consultant shall be paid additional compensation, an amendment to that effect shall be executed in accordance with Subparagraph 9.5.2 before the Consultant renders any services made necessary by such extension of the time of completion, unless otherwise agreed in writing by the City.

CERTIFICATION
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13
FOR CONTRACTS IN EXCESS OF TEN THOUSAND DOLLARS (\$10,000.00)

STATE OF OHIO,

COUNTY OF _____,ss:

The undersigned Affiant, being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of _____ (“the Contracting Party”).
2. The Contracting Party is a/an (select one):
 - Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.
 - Corporation organized and existing under the laws of the State of _____.
 - Labor organization.
3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.93(J)(3) (with respect to corporations) are in full compliance with the political contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification shall be rescinded.

By: _____
Affiant

Title: _____

Sworn to before me and subscribe in my presence by _____
this _____ day of _____, 20__.

(Seal)

Notary Public

Attachment A-1

Courtney & Associates

STANDARD BILLING RATES *
(Effective January 1, 2021)

<u>Description</u>	<u>Rates</u>
Professional Engineer - Senior	\$ 200.00 per hour
Professional Engineer - Junior	150.00 per hour
Engineer - Senior	150.00 per hour
Engineer - Junior	100.00 per hour
Technical Services - Senior	100.00 per hour
Technical Services - Junior	75.00 per hour
Office Services	30.00 per hour
Expenses:	
Mileage	\$ 0.50 per mile
Travel	**
Miscellaneous	**

* Subject to change annually on January 1.

** These items will be billed at actual out-of-pocket costs.

COURTNEY & ASSOCIATES

Public Utility Consultants

1016 North Blanchard Street, Suite A

P.O. Box 676, Findlay, Ohio 45839

Tel (419) 425-2719

Fax (419) 425-2118

November 15, 2019

Mr. Joel Mazur
City Manager
255 West Riverview Avenue
P. O. Box 151
Napoleon, Ohio 43545-0151

Subject: Proposal to Prepare an Electric Rate
and Functionalized Cost of Service
Study for the City of Napoleon, Ohio

Dear Mr. Heath:

In response to your request, we are pleased to submit this proposal to prepare an Electric Rate and Functionalized Cost of Service Study (Study) for the City of Napoleon, Ohio (City). Set forth below is an outline of the scope of services to be provided in connection with the Study and our proposed fee for providing those services.

Purpose of Study

Essential to sound fiscal management of any municipal utility are the rates and charges for the services provided. Increasing power supply costs, expansion requirements, inflation, service demands and competition present increasing challenges and opportunities to municipal utilities in developing and administering fair and equitable utility rates.

The purpose of this Study will be to develop electric rates and charges which properly reflect the functionalized (unbundled) cost of providing service, taking into consideration any stranded or transitional costs which the City may incur as the electric industry moves towards competition at the retail level. Such rates are to be designed to provide adequate revenues that will enable the City's electric operations to continue to be maintained in excellent operating condition and provide adequate and reliable service, and maintain the City in a sound, stable fiscal position with fair and equitable rates to its customers.

Scope of Services

In summary, the Study will consist of achieving the following assignments:

1. Acquisition, review and verification of historical billing, operating and financial data for the electric department;
2. Preparation of a five year (2020-2024) projection of electric revenue requirements and electric revenues at current rates;
3. Preparation of a functionalized cost-of-service analysis to identify, to the extent practical, the unbundled cost of serving each customer class;
4. Preparation of detailed electric rate schedules, including terms and conditions of service; and
5. Comparison of proposed rates to existing rates and rates of adjacent utilities.

The final results of the Study, along with our recommendations, will be summarized in a written report (Final Report) and presented to the City for consideration. In addition to the Final Report, the Study will also include development of several computer models for analyzing and projecting operating and financial data and for rate calculations. These computer models will be provided in spreadsheet format and can be utilized by the City's staff in future electric rate analyses.

As outlined below, we propose that the Study be performed in five (5) phases in order to facilitate involvement and input from the City's designated representatives with respect to our evaluations and recommendations. The proposed phases are categorized as follows:

- (1) Data Acquisition and Verification
- (2) Revenue Requirements
- (3) Cost of Service
- (4) Rate Design
- (5) Final Report

Data Acquisition and Verification

The purpose of this phase of the Study will be to acquire and verify the basic data necessary for the Study. In order to ensure the proper interpretation and incorporation of the basic data into our detailed analyses, we would perform the following tasks:

- (1) Identify basic data needs for the Study;
- (2) Review data needs and available data with staff; and
- (3) Perform certain analyses in order to verify the accuracy of the data acquired.

It should be noted that, when possible, our preference is to obtain the prior twelve (12) months billing data directly from the City's billing system. For purposes of this proposal, it is assumed that this data can be extracted from the billing system in a suitable format. The fee estimate contained in this proposal is based on that assumption.

In order to expedite this phase of the Study, following submittal of our initial request for data we will travel to Napoleon to review and analyze the available data. We anticipate this phase will be completed approximately two (2) weeks following your authorization to proceed.

Revenue Requirements

This phase will include a review of the historical revenue requirements for the electric department. Based on that review, as well as a review of the 2020 budget and input from the City's staff and other source documents relating to future operating, debt service and capital improvement needs, we will prepare a five (5) year projection (2020-2024) of future revenue requirements. This projection will establish the anticipated expenses as well as the target revenues to be provided by future rates. We anticipate completing this phase and reviewing the results with the City staff approximately thirty (30) days following completion of the Data Acquisition and Verification phase.

Cost of Service

This phase will consist of the preparation of a functionalized class cost-of-service analysis to determine, to the extent practicable, the unbundled cost of serving each of the various customer classes. This analysis will involve an allocation of the functionalized expenses to the various customer classes and will identify any stranded or transitional costs which the City may incur as a result of the movement toward retail competition.

Consideration will be given to the cost of meeting peak rates of usage as well as average rates of usage. In particular, we will review the City's power supply arrangements to determine the proper method of allocating power supply related costs. We anticipate that power supply costs will represent more than two-thirds of the City's projected revenue requirements and, as such, will have a significant impact on the cost of service results.

The cost-of-service results will be compared to the revenue distribution at current rates in order to determine the distribution of future revenue adjustments. We anticipate that the cost-of-service results would be reviewed with the City staff approximately thirty (30) days following completion of the Revenue Requirements phase.

Rate Design

The purpose of this phase of the Study is to evaluate and develop pricing methods and structures which will result in equitable rates and ensure that:

- (1) Recognition is given to the functionalized cost of providing service to the various customer classes and customers within each class;
- (2) Rates and charges are competitive with those of other area utilities; and
- (3) Proper price signals are sent to consumers.

This phase will include the following tasks:

- Develop and evaluate rates which reflect the unbundled cost of providing service (power supply, transmission and distribution).
- Compare the proposed rates to existing rates and, where applicable, to those charged by adjacent utilities.
- Present the results together with the recommendations for review and comments by the City staff.

In this phase, we anticipate utilizing twelve (12) months of actual billing data to calculate revenues under present and proposed rates on a customer class basis. To the extent that sufficient data is available, alternative rate forms such as time-of-use, interruptible, institutional and governmental rates, and their applicability, will also be considered.

The benefits and merits as well as the disadvantages and impact of these rate design alternatives will be evaluated and discussed with the City. We anticipate the Rate Design phase will be completed and presented to the City approximately thirty (30) days following completion of the Cost of Service phase.

Final Report

The results of our Study, incorporating comments and input from the City, will be presented to the City in the Final Report. In addition to the Final Report, we will also provide loose rate and detailed tariff sheets in a format defined by the City. We will also provide copies of the computer models developed for the Study which can be used to analyze operating and financial data. These models will be provided in spreadsheet format and will include historical and projected sales/revenues, power supply requirements/costs, revenue requirements, operating results and the cost of service model. These models can be updated periodically to assess the need for future rate adjustments.

Qualifications and Experience

Courtney & Associates is a public utility consulting firm which specializes in providing professional services to publicly owned utilities in the areas of planning, operation and management, financing, rates and feasibility analyses. Courtney & Associates has prepared numerous electric rate and cost of service analyses similar to that proposed herein, including the one prepared for the City in 2014. A copy of our firms Statement of Qualifications, along with the resumes of key personnel that would be assigned to the project and a list of references, can be provided upon request.

Compensation

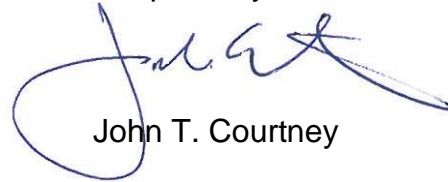
We propose that the services set forth above be provided on a time and expense basis for a not-to-exceed fee of \$35,000. Invoices would be rendered at the end of each month for time expended at standard billing rates, plus all out-of-pocket expenses associated with providing the services. Our fee includes five (5) trips to Napoleon and providing ten (10) copies of the Final Report. Should additional trips or additional copies of the Final Report be requested, those services would be provided on a time and expense basis billed at our standard billing rate.

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Mr. Mazur

November 15, 2019

We appreciate the opportunity to assist the City of Napoleon in this important matter and we are available to discuss this proposal with you or to provide any supplementary information you may require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John T. Courtney", with a large, stylized initial "J" and a long horizontal flourish extending to the right.

John T. Courtney

ersproptnapoleon2019

2021 CONTRACT FOR FIRE/EMS

**2021 FIRE & EMS PROJECTED SERVICE CONTRACT COSTS WITH CONTRACTED ENTITIES
USING - 2020 ACTUAL EXPENSES & REVENUES & 2021 BUDGETED EXPENSES & REVENUES**

Working Draft

<u>FUND</u>	<u>DEPT</u>	<u>ACCT</u>		<u>2020</u> <u>ACTUAL</u> <u>EXPENSES</u>	<u>2021</u> <u>APPROVED</u> <u>BUDGET</u>
			<u>No/CO = No Prior Year Carryover In Totals-></u>		
			<u>2200 FIRE & EMS/SAFETY SERVICES</u>		
			<u>Personal Services:</u>		
100.	2200.	51100	Salary-Non Bargaining	115,693.63	158,252.55
100.	2200.	51101	Salary-Non Bargaining-Overtime	0.00	0.00
100.	2200.	51400	Salary-Fire Fulltime	215,372.58	466,159.37
100.	2200.	51401	Salary-Fire Fulltime-Overtime	6,520.39	9,556.44
100.	2200.	51410	Salary-Fire Parttime	106,637.53	159,244.75
100.	2200.	51412	Salary -Adjunct	3,583.89	9,000.00
100.	2200.	51413	SALARY - FIRE PARTTIME-OVERTIM - Fire Part Time	220.50	0.00
100.	2200.	51500	PERS	3,465.05	0.00
100.	2200.	51540	Fire Pension-Current Liability (Net \$, See 291 Fund)	62,044.35	104,846.81
100.	2200.	51560	Social Security	9,755.39	10,003.67
100.	2200.	51600	Worker's Compensation	(11,468.69)	15,860.21
100.	2200.	51700	Medicare-City Share	7,202.67	11,498.65
100.	2200.	51710	Hospitalization Insurance	113,049.32	169,611.00
100.	2200.	51750	Life Insurance	426.60	540.00
100.	2200.	51900	Unemployment Compensation	252.41	0.00
291.	2200.	51540	Fire Pension-Current Liability (Net \$, See 100 Fund)	44,496.18	45,097.00
			Total Personal Services	677,251.80	1,159,670.47
			<u>Other:</u>		
100.	2200.	52000	Travel, Training and Education	4,226.88	12,500.00
100.	2200.	52010	Memberships and Dues	580.00	730.00
100.	2200.	53110	Utilities-Electric	19,983.74	22,500.00
100.	2200.	53111	Utilities-Natural Gas	1,034.17	1,000.00
100.	2200.	53113	Utilities-Water and Sewer	6,076.68	6,760.00
100.	2200.	53114	Utilities-Telephone	5,658.55	6,040.00
100.	2200.	53115	Utilities-Cable Modem	1,101.23	1,200.00
100.	2200.	53200	Service Contracts-Communications	4,260.15	8,500.00
100.	2200.	53300	Service Fees-Professional	12,035.39	22,100.00
100.	2200.	53510	Contract Maintenance-Vehicles	2,985.00	5,500.00
100.	2200.	53520	Contract Maintenance-Equipment	6,661.31	10,500.00
100.	2200.	53610	Contract Maintenance-Buildings & Structures	5,018.56	10,700.00
100.	2200.	53700	Insurance and Bonding	15,266.42	15,725.01
100.	2200.	53710	Insurance Claims-Deductible	0.00	1,000.00
100.	2200.	54100	Supplies-Office	759.35	1,500.00
100.	2200.	54110	Supplies-Postage and Delivery Charges	40.47	200.00
100.	2200.	54200	Supplies-Operating Materials	972.40	3,500.00
100.	2200.	54220	Supplies-Fire Prevention	2,554.46	3,500.00
100.	2200.	54230	Supplies-Gasoline & Deisel Fuels	12,192.02	15,000.00
100.	2200.	54240	Supplies-Chemicals	3,971.89	5,500.00
100.	2200.	54300	Supplies-Vehicle Parts & Supplies	7,886.47	5,000.00
100.	2200.	54500	Supplies-Other Equipment	975.82	2,000.00
100.	2200.	54700	Supplies-Small Tools	2,292.39	2,500.00
100.	2200.	54800	Supplies-Uniforms	6,482.99	11,280.00
210.	2200.	52000	Travel, Training and Education	9,542.28	15,000.00
210.	2200.	53300	Service Fees-Professional	47,217.17	54,100.00
210.	2200.	53430	Contracts-Townships EMS Revenues	64,966.10	55,000.00
210.	2200.	53510	Contract Maintenance-Vehicles	2,047.50	5,000.00
210.	2200.	53520	Contract Maintenance-Equipment	10,383.89	13,200.00
210.	2200.	54200	Supplies-Operating	35,296.40	38,000.00
210.	2200.	54225	Supplies-EMS Durrable Equipment	1,814.66	5,200.00
210.	2200.	54300	Supplies-Vehicle Parts & Supplies	2,124.42	4,000.00
210.	2200.	59000	Refunds- Miscellaneous	1,138.30	3,000.00
100.	9800.	59130	Reimburse-Shared Expense (Township Contracts)	10,000.00	10,000.00
			Sub-Total Other	307,547.06	377,235.01
			Total Operating Expenses	984,798.86	1,536,905.48

2021 CONTRACT FOR FIRE/EMS

**2021 FIRE & EMS PROJECTED SERVICE CONTRACT COSTS WITH CONTRACTED ENTITIES
USING - 2020 ACTUAL EXPENSES & REVENUES & 2021 BUDGETED EXPENSES & REVENUES**

Working Draft

<u>FUND</u>	<u>DEPT</u>	<u>ACCT</u>		<u>2020 ACTUAL EXPENSES</u>	<u>2021 APPROVED BUDGET</u>
			<u>No/CO = No Prior Year Carryover In Totals-></u>		
			<u>Major Large Equipment Capital Items:</u>		
			<u>(Part of Annual Fixed Allocation):</u>		
242.	2200.	57000	Machinery and Equipment (Major Capital Items)	215,280.05	0.00
242.	2200.	43000	Less: Rev. Offset - Grants, Donations, Etc.	0.00	
			Net Machinery & Equipment Costs-Major Capital Items	<u>215,280.05</u>	<u>0.00</u>
			<u>Other Capital Items-Not Part of Major Large Equipment:</u>		
210.	2200.	57000	Machinery and Equipment	5,250.92	6,700.00
242.	2200.	57000	Machinery and Equipment	10,727.87	39,100.00
242.	2200.	57200	Buildings and Improvements	0.00	10,000.00
400.	2200.	57000	Machinery and Equipment	98,101.29	26,000.00
400.	2200.	57200	Buildings and Improvements	0.00	5,000.00
			Total Capital Imp.(Less Grants on Major Items)	329,360.13	86,800.00
			Total-2200 Fire & EMS/Safety Services (All Operating and Capital Expenditures)	<u>1,314,158.99</u>	<u>1,623,705.48</u>
			<u>EXPENDITURE ADJUSTMENTS:</u>		
242.	2200.	57000	LESS: Net Major Cap.Exp.By Year in 242 Fd.(Large Eq.)	(215,280.05)	0.00
210.	2200.	53430	LESS: Township EMS Revenue Payments	(64,966.10)	(55,000.00)
			LESS: Non-EMS Adjustments		
			ADD: Annualized Capital Fixed Amt.(Large Equip.)	105,000.00	110,000.00
			Sub-Total Expense Adjustments	(175,246.15)	55,000.00
			Net Allocated Expenses Per Contract	<u>1,138,912.84</u>	<u>1,678,705.48</u>
			<u>REVENUE ADJUSTMENTS (Not Previously Listed):</u>		
100.	2200.	44350	LESS: Donations in 100 General Fund	0.00	(200.00)
100.	2200.	44400	LESS: Training Facility Fee -Fire/Safety Services	(3,245.00)	0.00
100.	2200.	47010	LESS: Misc.Fire Revenue in 100 General Fund	(14,835.00)	(8,500.00)
100.	0000.	49650	LESS: Reimb.Fire 180 kWh Tax Fd.to 100 Gen.Fd.	(26,060.42)	(29,260.00)
210.	2200.	43010	LESS: Federal CARES Act Receipts	(15,076.61)	0.00
210.	2200.	43100	LESS: State Grants in 210 EMS Transport Fund	(5,023.99)	(5,000.00)
210.	2200.	44350	LESS: Donations in 210 EMS Transport Fund	0.00	0.00
210.	2200.	45600	LESS: Court-Collections Cost Recovery	(665.61)	0.00
242.	2200.	43100	LESS: State Grants in 242 Fire Equip.Fund	0.00	0.00
242.	2200.	44350	LESS: Donations in 242 Fire Equip.Fund	0.00	0.00
242.	0000.	47200	LESS: Interest Posted to the 242 Fire Equip.Fund	(6,685.96)	(3,000.00)
242.	0000.	49000	LESS: Sale of Assets in the 242 Fire Equip.Fund	0.00	0.00
400.	2200.	43100	LESS: BWC Grant for Power Cots	(40,000.00)	
400.	2200.	44351	LESS: Donations in 400 CIP Fund	0.00	0.00
400.	2200.	47010	LESS: Misc.Fire Revenue in 400 CIP Fund	0.00	0.00
			Sub-Total Revenue Adjustments	(111,592.59)	(45,960.00)
			* NET FIRE & EMS EXPENDITURES for CONTRACT BILLING	<u>1,027,320.25</u>	<u>1,632,745.48</u>

2021 CONTRACT FOR FIRE/EMS

**2021 FIRE & EMS PROJECTED SERVICE CONTRACT COSTS WITH CONTRACTED ENTITIES
USING - 2020 ACTUAL EXPENSES & REVENUES & 2021 BUDGETED EXPENSES & REVENUES**

Working Draft

<u>FUND DEPT</u>	<u>ACCT</u>	<u>No/CO = No Prior Year Carryover In Totals-></u>	<u>2020 ACTUAL EXPENSES</u>	<u>2021 APPROVED BUDGET</u>
<u>DIST%</u> ALLOCATED COSTS BY ENTITY				
			<u>44.18%</u>	<u>44.18%</u>
100.00%	<u>FIRE COSTS ALLOCATED AT (44.18%)</u>		<u>453,870.09</u>	<u>721,346.95</u>
75.68%	City of Napoleon		343,488.89	545,915.37
1.68%	Freedom Township		7,625.02	12,118.63
13.15%	Napoleon Township (w/Sec.30 & 31)		59,683.92	94,857.12
9.49%	Harrison Township		43,072.27	68,455.83
			<u>55.82%</u>	<u>55.82%</u>
100.00%	<u>EMS COSTS ALLOCATED AT (55.82%)</u>		<u>573,450.16</u>	<u>911,398.53</u>
77.52%	City of Napoleon		444,538.56	706,516.14
1.41%	Henry Co.South Amb.Dist. (Frmly.Flatrock Twn.)		8,085.65	12,850.72
1.61%	Freedom Township		9,232.55	14,673.52
11.72%	Napoleon Township (w/Sec.30 & 31)		67,208.36	106,815.91
5.72%	Harrison Township		32,801.35	52,132.00
2.02%	Florida Village		11,583.69	18,410.25
	<u>NET - TOTAL SHARED COST OVERALL (100.00%)</u>		<u>1,027,320.25</u>	<u>1,632,745.48</u>
76.7071%	<u>City of Napoleon (Includes Henry Co. Hospital)</u>		<u>788,027.45</u>	<u>1,252,431.51</u>
	<u>Net Shared Costs Allocated to Contracts-></u>		<u>239,292.80</u>	<u>380,313.97</u>
0.7871%	Henry Co.South Amb.Dist. (Frmly.Flatrock Twn.)		8,085.65	12,850.72
1.6409%	Freedom Township		16,857.57	26,792.15
12.3518%	Napoleon Township (w/Sec.30 & 31)		126,892.28	201,673.03
7.3856%	Harrison Township		75,873.62	120,587.83
1.1276%	Florida Village		11,583.69	18,410.25

<u>CAPITAL REVENUE ALLOCATION FOR TOWNSHIPS</u>		(in total payment listed above)	
	Total Annual Capital Per Agreement	<u>105,000.00</u>	<u>110,000.00</u>
80.00%	City Share of Annual Capital Per Agreement	84,000.00	88,000.00
20.00%	Net Township Share of Annual Capital Per Agreement	21,000.00	22,000.00
	<u>TOWNSHIP ALLOCATION OF NET CAPITAL</u>	<u>21,000.00</u>	<u>22,000.00</u>
	<u>(Based on % Of Net Shared Cost to Township)</u>		
3.3800%	Henry Co.South Amb.Dist. (Frmly.Flatrock Twn.)	<u>709.80</u>	<u>743.60</u>
7.0400%	Freedom Township	<u>1,478.40</u>	<u>1,548.80</u>
53.0300%	Napoleon Township	<u>11,136.30</u>	<u>11,666.60</u>
31.7100%	Harrison Township	<u>6,659.10</u>	<u>6,976.20</u>
4.8400%	Florida Village	<u>1,016.40</u>	<u>1,064.80</u>
100.00%	(Revenue Amount Allocated to 242 Fire Eq. Fund)	<u>21,000.00</u>	<u>22,000.00</u>

		<u>2021 Projected Quarterly*</u>	<u>2022 Projected Quarterly**</u>
0.7871%	Henry Co.South Amb.Dist. (Frmly.Flatrock Twn.)	2,021.41	3,212.68
1.6409%	Freedom Township	4,214.39	6,698.04
12.3518%	Napoleon Township (w/Sec.30 & 31)	31,723.07	50,418.26
7.3856%	Harrison Township	18,968.41	30,146.96
1.1276%	Florida Village	2,895.92	4,602.56

*Used 2020 Actual for 2021 Projected

** Used 2021 Budget for 2022 Projected

NOTE: 2021 is less than projected last year due to CARES Act Funding - at this point no further CARES Act funding in 2021



City of Napoleon, Ohio

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

Memorandum

To: City Council, Mayor, City Manager, City Law
Director, Finance Director, Department
Supervisors, News media
From: Roxanne Dietrich, Clerk of Council
Date: February 26, 2021
Subject: Technology and Communications Committee –
Cancellation

The regularly scheduled meeting of the *Technology and Communications Committee* for Monday, March 01, 2021 at 6:15 pm has been CANCELED due to lack of agenda items.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7407590		NEW	RIVER PORT PROPERTIES LLC	
PERMIT NUMBER		TYPE	DBA DOCKSIDERS 22	
ISSUE DATE				
02 04 2021		210 E MAUMEE ST		
FILING DATE				
D5L				
PERMIT CLASSES				
35	088	A	C86617	
TAX DISTRICT			RECEIPT NO.	

FROM 02/08/2021

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 02/08/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN.

03/11/2021

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 7407590

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL
PO BOX 151
NAPOLEON OHIO 43545

received
2-22-2021

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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

Searching Instructions

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

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

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

	SEARCH CRITERIA
Permit Number	7407590
Permit Name / DBA	
Member / Officer Name	

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

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 7407590; Name: RIVER PORT BLDG ENTERPRISES, LLC; DBA: DBA DOCKSIDERS 22; Address: 210 E MAUMEE ST NAPOLEON 43545		
ANGELA KOENIG		CEO
KEVIN KEONIG		

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

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



City of Napoleon, Ohio

Parks and Recreation Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 592-8955

www.napoleonohio.com

Memorandum

To: *Joel Mazur, City Manager*
From: *Tony Cotter, Director of Parks and Recreation*
cc: *Roxanne Dietrich, Recorder*
Date: *February 23, 2021*
Subject: *Funbrella Sponsorship/Donation Acceptance*

We were successful at finding sponsors for all seven (7) of the Funbrellas that will be placed on the deck of the new swimming pool. Each sponsorship costs \$3,500, which includes a company logo on three of the panels of the umbrella. The list of sponsors is as follows:

Napoleon Family Vision and Contact Lens Center
Napoleon Family Dentistry
Vernon Nagel, Inc.
Henry County Hospital
Farmers and Merchants State Bank
Napoleon Rotary Club
Napoleon Power and Light/AMP

I am requesting that this item be placed on City Council's March 1st agenda so these donations can be accepted. If you have any questions or would like more information, please let me know.

AMP Update for Feb. 19, 2021

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

Fri 2/19/2021 5:03 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



Feb. 19, 2021

D.C. Circuit upholds FERC Order reducing ITC transco rate adder

By Gerit F. Hull - deputy general counsel for regulatory affairs

On Feb. 19, the U.S. Court of Appeals for the D.C. Circuit issued an [opinion](#) upholding the Federal Energy Regulatory Commission's (FERC) reduction of the transmission rate incentive applicable to International Transmission Company and its affiliates, Michigan Electric Transmission Company and ITC Midwest.

Since 2005, when Congress required FERC to formally establish incentive-based rate treatments for transmission companies that demonstrated a willingness and ability to invest in transmission infrastructure, FERC has granted return-on-equity adders to stand-alone transmission companies (transcos). FERC allows the transcos to collect the adders from ratepayers due to their standalone transmission status, which FERC evaluates by looking to the transcos' ability to maintain operational independence from other participants in the electrical market, such as companies invested in power generation.

Customers complained to FERC that the 2016 acquisition of ITC Holdings (the transcos' parent company) by Fortis, Inc. and GIC Ventures Pte. Ltd. partially reduced the independence of the three transcos because of potential influence by electricity market affiliates of the new upstream owners. FERC agreed and cut in half the previously awarded 0.5 percent return-on-equity adder enjoyed by the transcos. ITC appealed and AMP joined in support of FERC. ITC's appeal claimed that the transcos remained materially independent so the reductions were unjustified and argued that FERC exceeded its statutory authority. The D.C. Circuit Court concluded that neither claim had merit and denied the appeal.

This should result in an annual transmission rate savings for transco customers - including AMP, its members and many others - that could total as much as \$12 million annually.

House Energy Chair expects to introduce climate legislation in March

By Marty Kanner - president of Kanner & Associates, LLC

During opening remarks at a Feb. 18 congressional climate hearing, House Energy and Commerce Committee Chairman Frank Pallone (D-NJ) announced his plan to introduce economy-wide climate

legislation in March. The legislation will be modeled on last year's *CLEAN Future Act* that was introduced by Pallone and other committee Democrats. That legislation establishes a clean energy standard, with retail utilities required to have an increasing share of their power supply met through either zero-carbon resources or generation that uses carbon capture. Under the legislation, utilities' power supply would need to be net-zero carbon emission by 2050. Accelerating that date is one option reportedly under consideration by Pallone.

Pallone has publicly pledged to move his climate bill, and many stakeholder groups are pushing for swift action. However, some Democratic strategists are mindful that House-passage of the Waxman-Markey climate bill in 2009 was a major contributing factor in the Democrats' losing control of the House in the following election. Moreover, with a 50-50 split in the Senate, the prospects for enacting legislation are low - especially with recent comments by Senate Energy Committee Chairman Joe Manchin (D-WV) underscoring the need for continued use of natural gas, opposing a carbon tax and calling for bipartisan action.

AMP History Minute: Early victory proved we are *Stronger Together*

By Michele Lemmon - manager of public relations and digital media

As American Municipal Power, Inc. (AMP) continues to mark its 50th anniversary, we recall the Nuclear Regulatory Commission decision in 1978 that was an important victory for municipal electric utilities.

A boom in the public power industry followed the creation of the first municipally owned electric system in 1880. By 1920, more than 3,000 public power utilities were scattered across the United States, but - unfortunately - this growth was not to last. Partly due to pressure from private electric utilities, the number of public power utilities had dwindled to about 2,000 by 1940.



For many public power communities, the aggressive press of investor-owned utilities (IOUs) continued well into the modern era. However, in the late 1970s, municipal utilities in Ohio secured an important victory by way of a federal licensing board.

Toledo Edison, Ohio Edison and Cleveland Electric Illuminating Co. had applied with the Nuclear Regulatory Commission for licenses for the Davis-Besse and Perry nuclear power plants. William J. Lyren Sr., a former AMP Board of Trustees member and former director of public service and city engineer for the City of Wadsworth, recently recalled giving testimony before the Atomic Safety and Licensing Appeal Board on behalf of AMP's member communities.

Lyren remembered just how easy it was for him to explain the numerous anti-competitive tactics that the IOUs had been using for years. In an attempt to bully public power into submission, the IOUs were charging municipal electric utilities wholesale power rates that were higher than their retail rate; were denying transmission access to municipal electric systems; and were refusing to interconnect with municipal systems that had their own generation.

Lyren recalls sitting down for the hearing with a group of officials representing public power with only two Justice Department attorneys by their side, while 16 IOU attorneys were there in opposition.

Though they were outnumbered, Lyren and others representing Ohio municipal electric systems had provided effective testimony. Their statements helped the Justice Department prove that the IOUs building the nuclear power plants had violated antitrust laws in their treatment of municipal electric systems. As a result, the Appeal Board placed conditions on the nuclear power plant licenses that were favorable to municipal electric systems.

The important decision before the Atomic Safety and Licensing Appeal Board, along with AMP's successful intervention in the merger of American Electric Power and Columbus & Southern Ohio Electric Company in the late 1970s, were among the first regulatory victories that the organization experienced. The results of these battles provided benefit to AMP member communities during a time of great struggle, ultimately proving that we are *Stronger Together*.

As AMP continues to celebrate its 50th anniversary in 2021, keep an eye on future editions of *Update* and follow us on [Facebook](#), [Twitter](#), [LinkedIn](#), [Instagram](#) and [YouTube](#) as we continue to interview former and

current leaders from Member communities and AMP leadership to share their insights on the key battles and victories that shaped AMP into the organization that it is today.

VEIC hosts two APPA webinars

By Corey Bentine - director of key accounts

On Feb. 3 and 10, the American Public Power Association (APPA) held two education webinars on energy efficiency and distributed energy resources programs and services. Both webinars were presented by representatives from VEIC.



Below is a brief recap of the key points covered in each session:

Designing Energy Efficiency Programs to Serve Your Customers

- A market-based approach can be an effective way to target customers
- Qualitative market research can be conducted via interviews and focus groups, while quantitative market research can be conducted via surveys
- Behavioral science offers way to nudge customer behavior and can be used in multiple ways across program design
- There are many program options for addressing barriers to energy efficiency
- Design thinking exercises are used across industries to more deeply understand customers and create products and programs that better meet customer needs



Innovations in Energy Efficiency and Distributed Energy Resources

- Pilot, pilot, pilot - remember the customer journey and obtain feedback early and often
- Identify the data sources you need and the shape of your data set
 - How is this stored, accessed and used?
 - What is needed to verify that it is working?
 - Check with regulators and evaluators
 - Bring your own device programs increase participation in demand response
 - Leverage energy efficiency programs for demand response efforts:
 - Bonus incentives for efficient equipment with smart controls
 - Define and get data permissions with incentive agreements
 - Behavioral demand response at peak times
 - Time-of-use rates for electric vehicles
 - Solar + storage economics are rapidly growing

Find more information on APPA's virtual education offerings [here](#).

For more information about energy efficiency, visit www.energysmart.org, and for distributed energy resources, visit the [Focus Forward page](#) of the [Member Extranet](#) (login required).

Providing tips to customers for winter outage events

By Zachary Hoffman - manager of communications and publications

Though public power utilities are known for providing their customers with reliable service, severe weather conditions like those experienced across the country earlier this week can lead to temporary service interruptions. As winter conditions continue to bear down, the AMP communications team has put together several outage-related infographics that are available for member use.

These resources, which include social media graphics and an outage preparation fact sheet, can be found on the [AMP Currents page](#) of the [AMP website](#) and on the Public Power Connections page of the [Member Extranet](#) (login required).



If your community has yet to launch a presence on social media, consider AMP as a resource to assist you in your efforts. If you have questions or need advice, please feel free to contact me at zhoffman@amppartners.org. If you need help downloading content or accessing the Public Power Connections page, please contact Bethany Kiser at bkiser@amppartners.org or 614.540.0945.

FOCUS FORWARD 2021 WEBINAR SERIES

Register by clicking this schedule or contact Erin Miller, assistant vice president of energy policy and sustainability at 614.540.1019 or by email at emiller@amppartners.org.



March 25, 2-3 p.m.

✦ Educating and Engaging Customers

May 13, 10-11 a.m.

✦ Data Analytics and Rate Design

July 15, 2-3 p.m.

✦ Electric Vehicles: Incentives and Managed Charging

September, TBD

✦ What do Customers Want? Using Design Thinking for Program Development

November 9, 2-3 p.m.

✦ Community Solar 101 and Models

The Focus Forward Advisory Council has identified these topics to help educate and inform AMP's members about emerging industry trends and to prepare for further integration of distributed energy resources.



Save the date for the 2021 Virtual Technical Services Conference

By Jennifer Flockerzie - manager of technical services logistics

Members are encouraged to save the date for the 2021 Virtual Technical Services Conference, April 13-14. The Technical Services Conference is a premier opportunity for members to increase technical understanding, learn about new products and hear updates and best practices from other AMP members and AMP staff. The event traditionally offers a variety of informative sessions, and electric utility managers, superintendents and technical staff are invited and encouraged to attend.

Schedule and registration details for the conference will be provided as it becomes available. Keep an eye on future editions of *Update* for more information. If you have any questions, please contact me at 614.540.0853 or jflockerzie@amppartners.org.

AMP holds virtual safety training course

By Darren Westenberger - safety/OSHA compliance coordinator

On Feb. 16, AMP conducted the virtual training course *Dealing with Cold Emergencies*. In this session, participants learned about proper response to cold-weather emergencies and how to prevent and react to hypothermia and frostbite.

If you were unable to attend, a video recording will soon be posted to the [Member Extranet](#) (login required) and the AMP YouTube channel (links available to members upon request). If you have any questions, need assistance accessing the Member Extranet or would like the YouTube link, please contact Jennifer Flockerzie at jflockerzie@amppartners.org or 614.540.0853.

AMP TECHNICAL AND SAFETY TRAINING WEBINAR SCHEDULE

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

Feb. 23, 9 a.m.
Responding to Severe Wound Trauma
Instructor: Kyle Weygandt



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



Energy market update

By Jerry Willman - assistant vice president of energy marketing

The March 2021 natural gas contract decreased \$0.137/MMBTU to close at \$3.082 yesterday. The EIA reported a withdraw of 237 Bcf for the week ending Feb. 12, which was below industry estimates of -252 Bcf. The year-ago draw was 141 Bcf and the five-year average was -142 Bcf. Storage is now 2,281 Bcf, 4.4 percent below a year ago and 2.6 percent above the five-year average.

On-peak power prices for 2022 at AD Hub closed yesterday at \$32.20/MWh, which was \$0.60/MWh higher for the week.

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

Week ending Feb. 19

MON	TUE	WED	THU	FRI
\$70.82	\$110.38	\$152.71	\$144.93	\$76.06

Week ending Feb. 12

MON	TUE	WED	THU	FRI
\$39.20	\$33.88	\$39.13	\$36.28	\$53.66

AEP/Dayton 2022 5x16 price as of Feb. 18 — \$32.20

AEP/Dayton 2021 5x16 price as of Feb. 11 — \$31.60

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) plant was in 2x1 configuration for the week. PJM cleared the plant offline for the off-peak hours Saturday, Sunday, Monday, Tuesday and Thursday, based on PJM day-ahead economics. AFEC was available for full output during the week, but a combination of high delivered gas prices due to the widespread cold temperatures and transmission congestion in the Fremont area limited the output of the plant. Duct firing operated for eight hours this week. For the week, the plant generated at a 45 percent capacity factor (based on 675 MW rating).

Security tip - Password safety

By Jared Price - vice president of information technology and CTO

Creating strong passwords should be the No. 1 priority in keeping your online world safe. Having weak passwords could result in stolen identities, loss of data or money, and even the loss of a job and/or reputation.



You have likely heard recommendations for creating secure passwords before. Experts suggest using long, complex and random combinations of words, letters, numbers and special characters. Follow the tips below to improve your password safety practices:

- **Improve the strength of your passwords.** Strong passwords are usually made up of at least eight characters. They should contain numbers, uppercase and lowercase letters, and special characters.
- **Use passphrases.** Recently, security standards strongly recommend using a passphrase rather than a single word. A good passphrase is one that is unique to you so that you can remember it while also making it secret enough that no one else can guess it.
- **Never use personal or obvious information in your passwords.** For example, never include your name, email address, phone number, birth date or any other information connected to you.
- **Never use the same password for multiple accounts.** If cybercriminals steal your password from one account and you are using that password on other accounts, then you have given them the key to all of the accounts where you have used the same password.
- **Use a password manager.** If your organization allows it, use a password manager to create, store and sync complex passwords across multiple devices. Password managers only require you to remember one master password. Ask your internal IT (or other applicable) team to see if this is something you can do.

Most importantly, if there is one available, always follow your organization's password policy. Password policies are created to keep you and your organization safe.

Help to protect your organization (and your family) against cybercrime by improving your password safety today!

intern spotlight



Rylee Henley

School: The Ohio State University where she studies chemical engineering

Typical day: keeps track of spreadsheets, reporting for the EPA, research projects

Fun facts: hometown is Worthington, Ohio and she loves to color and train service dogs

Find your internship opportunity at
www.amppartners.org/careers



THE ACADEMY
Webinars

AMERICAN PUBLIC
POWER ASSOCIATION

2021

Register Now for Webinars

Register today at
www.PublicPower.org
under Education & Events.

Non-members can enter
coupon code **AMP** to
receive the member rate.



Classifieds

Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to zhoffman@amppartners.org. There is no charge for this service.

City of Bowling Green seeks applicants for police officer

The City of Bowling Green is seeking applicants for the position of police officer through March 31. Candidates must take and pass a written examination through the National Testing Network (NTN) and a physical ability test through the City of Bowling Green prior to the deadline in order to be eligible for consideration for hire. Candidates are responsible for registering for the NTN examination prior to the deadline and for paying any associated fees/costs [here](#). Important information relating to the application, hiring and testing requirements is available online at www.bgohio.org. Information is provided below regarding educational requirements, veteran's credit, age requirements and the city's application requirements.

An associate degree or the completion of at least 96 quarter hours or 64 semester hours toward a bachelor's degree is required. Proof of education is required at the time of application. The post-secondary education must be obtained from an accredited college or university, and hours must be eligible for transfer to Bowling Green State University.

In accordance with Section 124.41 of the Ohio Revised Code (ORC) and City Ordinance, no person shall be eligible to receive an original appointment as a police officer, unless the person has reached the age of 21 and has not yet reached the age of 35. (The age restriction is permitted by the Public Safety Exemption to the Age Discrimination in Employment Act (29 U.S. Code 623 (j)).

The Bowling Green City Charter provides for an additional credit of 10 percent of a passing test score for honorably discharged veterans. A candidate's Form DD-214 denoting an honorable discharge must be submitted at the time of application in order to be eligible for the veteran's credit.

All new police officers serve a one-year probationary period. The current pay scale is \$26.97 to \$33.94 per hour. Starting base hourly rate is \$26.97, as outlined in the OPBA contract. Certified officers, possessing full-time law enforcement experience, will be evaluated for a possible increase in the starting salary. The union contract can be reviewed online at [here](#). A copy of the job description will be provided to candidates.

Candidates must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402-2399 or [online](#). Resumes may be included, but will not substitute for a completed application. Application materials must be returned to the Personnel Department by one of the following methods: by email to BGPersonnel@bgohio.org, by fax to 419.352.1262 or by U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. You may reach the Personnel Department by phone at 419.354.6200. Deadline for making application is March 31. AA/EEO

DEMEC seeks applicants for compliance administrator

The Delaware Municipal Electric Corporation (DEMEC) is seeking a technical person for a new full-time position responsible for the timely and accurate compliance reporting for a 100-MW, single cycle, peaking power plant. Regulating agencies include DNREC, NERC, EPA and PJM. The position requires a self-motivated professional with a bachelor's degree from an accredited university in a related field with five years of relevant experience or any other combination of experience and training, which provides an equivalent to the minimum desirable employment standards.

Significant experience in regulatory, compliance, operations, engineering, power plant, control systems, energy management systems, SCADA, cyber-security and/or physical security-related experience strongly preferred. Please indicate your interest by submitting a resume to jobs@demecinc.net or mail to DEMEC, Inc., P.O. Box 310, Smyrna, DE 19977. The position will remain open until filled. The full listing can be found [here](#).

City of Marshall seeks applicants for finance director

The City of Marshall is a quaint Norman Rockwell style community with a population of 7,068 in lower, central Michigan. The city is located less than one hour from the campuses of the University of Michigan and Michigan State University, two hours from Detroit and beautiful Lake Michigan, and three hours from Chicago. Marshall has installed a fiber to the premises system to every property in the city, with symmetrical speeds up to 10 mbps.

The community is seeing unusual growth, with over \$1 billion of industrial growth. Click [here](#) to view a "Choose Marshall" 2018 wrap-up video. Located at the intersection of I-94 and I-69, the crossroads of international highways, the city is preparing for large industrial and residential growth with a 1,000-acre mega industrial site. The downtown district is 97 percent commercially occupied. The city has the largest National Historic Landmark District in Michigan, with many neighborhoods of historic homes.

Qualification for the Finance Director position include a degree in accounting, finance or a related field and a minimum of five years' experience in municipal finance. Annual salary of \$75,000-\$85,000, depending on qualifications, with excellent benefits. A complete job description and application instructions can be found at www.cityofmarshall.com.

The City of Marshall is an Equal Opportunity Employer.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Director of transmission engineering

System administrator - enterprise content

Generation operations intern

Environmental intern

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

American Municipal Power, Inc.

STAY CONNECTED



www.amppartners.org

American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, OH 43229

SafeUnsubscribe™rdietrich@napoleonohio.com

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NAPOLEON POLICE DEPARTMENT

Email: npd@napoleonohio.com

Website: www.napoleonohio.com  [@Napoleon_Police](https://twitter.com/Napoleon_Police)

ANNUAL REPORT



Mission Statement

The Mission of the Napoleon Police Department is to preserve the peace and order of the community through conflict management, crime prevention efforts and enforcement of the criminal statutes of the State of Ohio, and the ordinances of the City of Napoleon, by officers who are committed to the rule of law and have a unique authority to investigate, arrest, search, seize and use reasonable and necessary force. This mission shall be conducted to, and for, those requesting or requiring our services in a humane, moral, legal and ethical manner in order to provide a safe environment in which to live, learn, work and grow.

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OATH OF OFFICE

I do hereby swear

that I will support the Constitution of the United States of America
and the Constitution of the State of Ohio,
and to diligently and faithfully perform
all the duties pertaining to my position as a
Police Officer of the City of Napoleon, Ohio.

So, help me God.

"Honesty, Honor, Loyalty, Benevolence, Respect, Justice & Courage"

Chief of Police

Chief David Mack

Dave Mack received his bachelor's degree from Defiance College in 1996. He was hired as a full-time patrol officer in 1996. In 1999, he was promoted to the Detective Division where he spent about 5 years as a Detective. Dave was then promoted to Lieutenant in 2004. He was then assigned to the position of Administrative Lieutenant. Lieutenant Mack was hired as Chief of the Napoleon Police Department in 2017. Through his years of service to the citizens of the City of Napoleon has been the recipient of numerous awards including Meritorious Service Award, Life Saving Award, Chief's Citation 1st Class, and Officer of the Year. Chief Mack is an instructor in ALICE (Alert, Lockdown, Inform, Counter, Evacuate), Blue Courage and Firearms. He has served as Field Training Officer (FTO) and Supervisor of the Warrant Entry Team (WET) and is a current member of the Crisis Intervention Team (CIT).



"Honesty, Honor, Loyalty, Benevolence, Respect, Justice & Courage"

MESSAGE FROM THE CHIEF

3

Napoleon Police Department wants to thank you for taking the time to learn more about your police department and welcome you to our 2020 Annual Report. Our goal is to build strong working relationships with our community to create a safe environment for the citizens to enjoy. One way to achieve this is through transparency, so our department has produced an annual report for so many years. This report is made possible by Dispatcher Tonya Walker. In addition to her dispatch duties, she compiles our monthly statistics, files our required information with the State of Ohio, and every year spends a significant number of hours putting together this report for the department.

2020 was proven to be one of the most challenging years in recent history, not only for our department but for our community. The COVID-19 pandemic thrust our entire community into a new way of handling our day-to-day operations. The police department was no different. The Police Department operated for the first time in history a prolonged Emergency Operations Center in conjunction with the other city departments.

Although your emergency responders train to handle various situations, no one was accustomed to working remotely and from off-site as we had to in 2020. Extended emergency operations occurred without an impact felt on our quality of services that we provide. Members of our department continued to service their community throughout and continue to do so. All calls for service were responded to, even as the pandemic responses changed, almost daily at times. I am proud of the dedication shown to this community by members of the Napoleon Police Department. I am equally grateful for the city manager, mayor, and council's support that has offered our department.

Support was felt by every member when the council passed the reciprocity tax change this year. This will allow us to provide an additional dispatcher, whose position was lost several years ago, which will allow more hours of the day to be covered by dual dispatchers, thus giving the citizens an even higher level of response, when they have contact with our dispatch center. It is equally essential for our citizens to understand that our department has made obtaining grants a priority to enhance our capabilities and availability to respond. These grants help reduce the tax dollars used in our budget and offer support to our operations. Support of our community was felt by our department as well. Those individuals who brought items to the police department, donated money, donated equipment enhancements to support our response to COVID-19, to those who said thank you for your service to one of my officers and dispatchers, I want to thank you as well. The impact you made on the employees cannot be put into words and felt for some time.

Although 2020 was a unique year, and it did change our lives and our operations, for the time being, I wanted to restate that community engagement continues to be a high priority for the Napoleon Police Department. I am excited to see some of the ideas we have for 2021 come to life. Our focus will remain on having positive interactions daily. Our community is growing and changing. I welcome you to be a part of that growth and change!

Respectfully,



COMMAND

Lieutenant Chad Moll – Day Shift Supervisor

Chad received his degree in Criminal Justice from the University of Toledo in 1994. After working as a Correctional Officer for three (3) years, Chad Moll was hired as a full-time officer for the Napoleon Police Department. In 2006 he was promoted to Lieutenant. Lt. Moll is a Veteran of the United States Marine Corp, Reserves, serving for 6 years. Chad is the Supervisor for the Bike Patrol Team and a member of the Crisis Intervention Team (CIT).



Lieutenant Edward Legg – Administrative Lieutenant

A Veteran of the United States Air Force, having served for 12 years. Ed Legg began his service with the Napoleon Police Department in 2000 and was promoted to Lieutenant in 2010. In 2018 Lieutenant Legg was promoted to Administrative Lieutenant. His duties include supervising the Detective Division and Dispatch center. Lieutenant Legg is also responsible for Ohio Collaborative Board certifications and public records. He was the recipient of the Meritorious Service Award in 2013. Ed is an Instructor for the Department in the following disciplines: Colt AR15 Armorer, Glock Armorer, ALICE (Alert, Lockdown, Inform, Counter, Evacuate), Police Carbine Rifle, RAIDER (Rapid Deployment, Awareness, Intervention, Decisiveness, EMS, Recovery) Solo-Engagement Tactic and firearms. Lt. Legg is also Supervisor for the Warrant Entry Team (WET) and member of the Crisis Intervention Team (CIT).



COMMAND continued

Lieutenant Gregory Smith – Afternoon Supervisor

In 2008 Greg Smith was hired as a full-time Officer with the Napoleon Police Department. He acquired his Associates Degree in Criminal Justice from Northwest State Community College in 2010 and was promoted to Lieutenant in 2017. Lt. Smith, after serving 5 years, is a Veteran of the United States Army. He is a two (2) time recipient of the Officer of the Year Award. Greg is an Instructor for the Department in the following disciplines: SIM/Beanbag, Distraction Device, OC/Chemical Munitions, ALICE (Alert, Lockdown, Inform, Counter, Evacuate), Subject Control/DT, CRIT 1st Aid and Radar/Lidar. Lt. Smith is a member of the Warrant Entry Team (WET) and the Bike Patrol Team. Smith also acts as the Department Auxiliary Liaison.



Sergeant Justin Ruffer – Midnight Supervisor

Justin Ruffer was hired as a full-time officer for the Napoleon Police Department in 2011 and was promoted to Sergeant in 2019. Justin is Supervisor of the Field Training Officer (FTO) program and Supervisor of the Department’s K9 Officer. He is also a member of the Crisis Intervention Team (CIT).



DETECTIVE DIVISION

Detective Jamie Mendez

Jamie Mendez was hired to Patrol in 1995 and promoted to Detective in 2013. He is a recipient of the Meritorious Service Award, Chief's Citation 1st Class and Officer of the Year. Detective Mendez is a Blue Courage Instructor and Taser Instructor. He is also a member of the Warrant Entry Team (WET) and Crisis Intervention Team (CIT).



Detective James Augustine

James Augustine was hired to Patrol in 2004 and was promoted to Detective in 2015. Detective Augustine is a Veteran of the United States Army, having served for 6 ½ years. He is a recipient of the Officer of the Year Award and is a member of the Warrant Entry Team (WET). Detective Augustine is a Glock Armorer Instructor, SIM/Beanbag, OC, Distraction Device and RAIDER (Rapid Deployment, Awareness, Intervention, Decisiveness, EMS, Recovery) for the department.

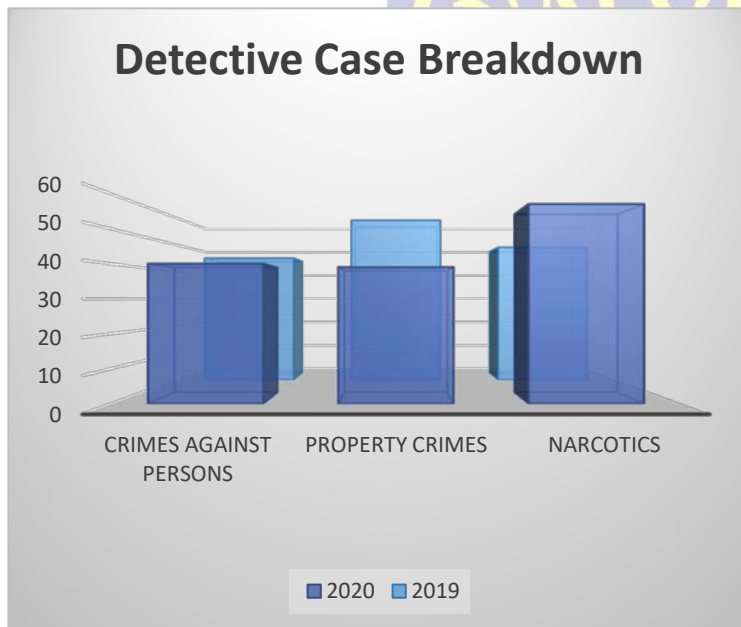


DETECTIVE DIVISION continued..

The City Napoleon Detective Division currently consists of one Lieutenant as the direct supervisor to a primary Detective and a Narcotics Detective. The Narcotics Detective is currently assigned to the Multi Area Narcotics Unit. The primary Detective is tasked with the investigation, review and follow- ups to all reported felony crimes and other major crimes. Every complaint that is filed with the Napoleon Police Department is reviewed by the primary Detective and, if requested, follow-ups are completed.

The Detective Division investigated or assisted with investigation in over 136 cases. These numbers are not to represent a total call volume for the entire Police Dept. but are instead estimated call numbers for one division. The cases are broken down into four criminal categories: Crimes Against Persons, Property Crimes/Fraud, Narcotics and Special Assignments/Miscellaneous complaints. Other calls for service such as assist other departments, and death scenes investigations have also been included in the estimated call volume.

The City of Napoleon Detective Division investigated or coordinated the investigation of over fifty-seven (57)



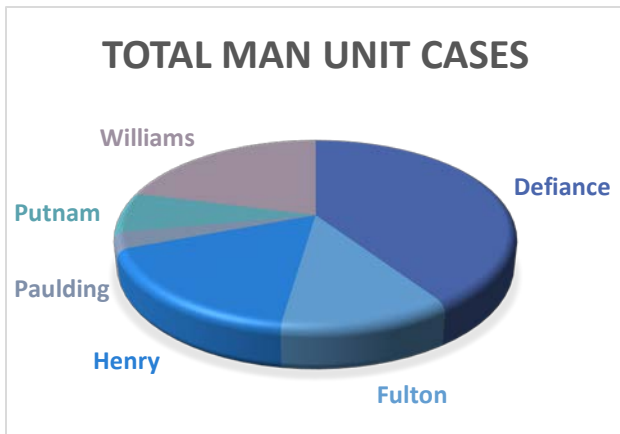
Narcotic complaints. As mentioned before this number is not to reflect a total call number for the entire Police Department. The Detective Division, which includes a member of the Multi-Area Narcotics Task Force, has worked closely with FBI, ATF, BCI, Ohio State Highway Patrol, Air National Guard, and Napoleon and Henry County K9 officers. Detectives are responsible for delivering and preparing documents for Municipal Court, Henry County Common Pleas Court, and Henry County Juvenile Court for each court date. This Division is responsible for all charged felony offenses to be prepared and reviewed with the County Prosecutor for Grand Jury in the Henry County Common Pleas Court. The Detective is responsible for any follow up needed by the County Prosecutor or City Prosecutor when it comes to charged offenses.

Working with Administration, the Detective Division is responsible for logging and documentation of all evidence that is taken during an investigation. When testing of any type is needed, the Division transports the evidence to the Bowling Green BCI and brings back anything that has been completed.

Any polygraph examinations needed are conducted at BCI of Bowling Green and are scheduled and attended by the Detective. The Detective conducts background checks of potential new hires for the City of Napoleon.

MULTI-AREA NARCOTICS UNIT

Detective Augustine represents the Napoleon Police Department on the Multi-Area Narcotics (MAN) Unit. In 2020, there were ninety-one (91) cases handled in Henry County. Of those cases there were sixty-eight (68) indictments, the most in the six (6) counties that make up the MAN Unit. The indictments range from a level 1 Misdemeanor to a level 1 Felony. Detective Augustine was involved in over a hundred thirty (130) cases. There were nineteen (19) search warrants served, including consent searches, device searches and miscellaneous searches. The MAN unit reported twenty (20) Overdoses with four (4) deaths.



2020	Indictments	Felony Levels of Charges				
		F/1	F/2	F/3	F/4	F/5-M/1
Defiance	36	1	6	8	3	18
Fulton	17	X	2	5	2	8
Henry	68	1	11	12	10	31-3
Paulding	7	X	X	3	1	3
Putnam	6	X	1	2	X	3
Williams	55	X	5	14	6	30
Total:	189					

Within the City of Napoleon, the Multi-Area Narcotics Agent has investigated seventeen (17) narcotic overdose incidents, which two (2) of those were fatal. The Multi-Area Narcotics Agent has investigated eleven (11) Narcotics Trafficking complaints within the City of Napoleon and assisted with fourteen (14) other Trafficking complaints. The Multi-Area Narcotics Agent conducted thirteen (13) searches, by warrant, consent, or assisting probation, within the City of Napoleon.

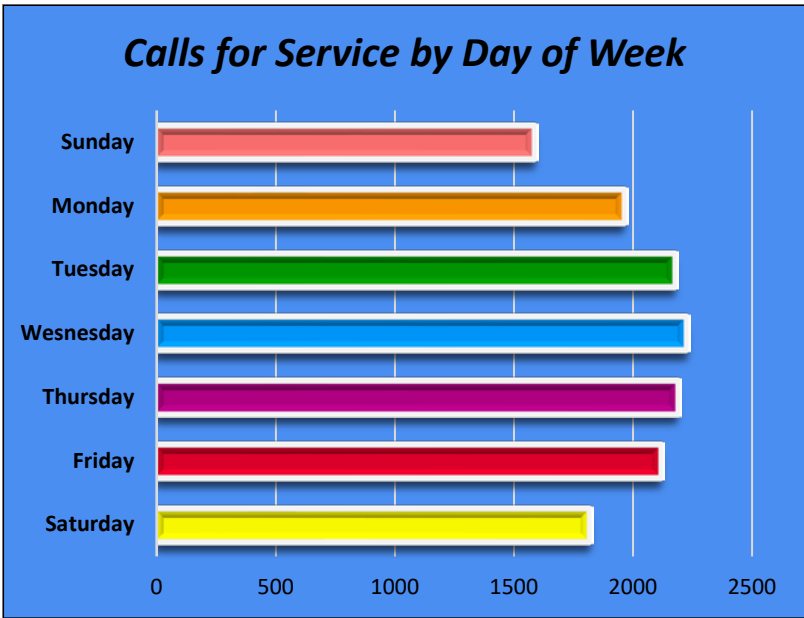
The Multi-Area Narcotics Agent assisted in twenty-four (24) Narcotics complaints within the six-county area in which it covers and completed forty-six (46) forensic device examinations. The Multi-Area Narcotics Agent recently received clearance and was added to the FBI JTTF Terrorism Task Force. The Multi-Area Narcotic Task Force gave the City of Napoleon DARE program a check for \$1200, which came from seizures by the City of Napoleon Multi-Area Narcotics Agent in 2020.

CALLS FOR SERVICE

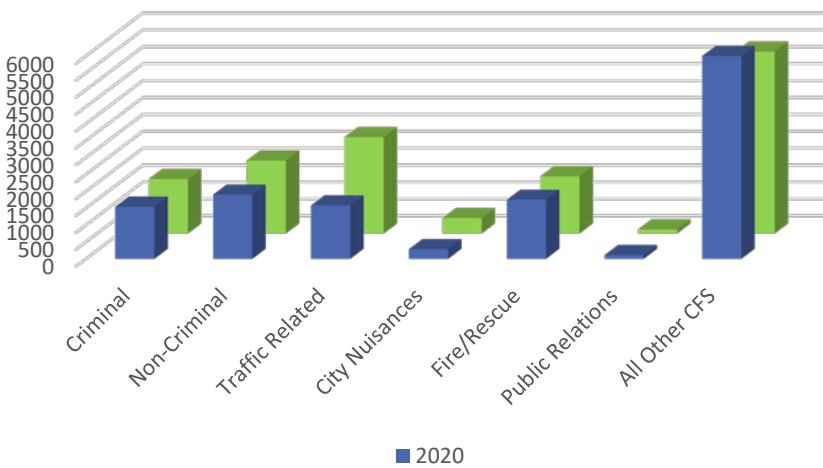
Below are event statistics with comparison of the previous year.

	2020	2019	% increase/decrease (actual amt.)
Calls for Service	14,022	14,270	-1.7% (-248)
Murder	0	0	0
Rape	4	5	1 less
Sex Offenses	21	31	-32.25% (-10)
Robbery	1	1	0
Assaults	41	52	-21.15% (-11)
Burglary/Breaking & Entering	45	42	+7% (+3)
Motor Vehicle Theft	5	5	0
Theft/Fraud/Forgery	254	249	+2% (+5)
Drug Abuse Violations	74	91	-18.68% (-17)
Overdose	15	22	-31.82% (-7)
Mental	66	45	+46.67% (+21)
Damage of Property	124	83	+49.4% (+41)
Weapons Violations	4	3	1 more
Menacing	54	43	+25.58% (+11)
Domestic Violence	124	117	+5.98% (+7)
Criminal Trespass	158	180	-12.22% (-22)
Disorderly Conduct	118	168	-29.76% (-50)
Receiving Stolen Property	3	6	3 less
Warrant Service	246	245	1 more
Public Relations	113	121	-6.61% (-8)
Covid-19 related calls	274		

Calls for Service by Day of Week



CFS Breakdown with 2 yr Comparison



2020 WAS A TRYING YEAR FOR EVERYONE. WHILE DEALING WITH A PANDEMIC AND STATE RESTRICTION THE DEPARTMENT ONLY HAD A 1.7% DECREASE IN CALLS FOR SERVICE. FOR A PERIOD OF TIME, THE DEPARTMENT LIMITED ALL OFFICER INITIATED ACTIVITY DUE TO PANDEMIC RESPONSE PROTOCOLS. IN MOST CASES, THE DEPARTMENT WAS ABLE TO MAINTAIN THE SAME LEVEL OF SERVICE THAT WAS PROVIDED PRIOR TO THE PANDEMIC.



PATROL DIVISION

The Patrol Division is the largest and most visible component for the Napoleon Police Department and is the foundation of our organization. As stated in our Mission Statement, through conflict management, crime prevention efforts and enforcement of the criminal statutes of the State of Ohio, and the ordinances of the City of Napoleon, by officers who are committed to the rule of law and have a unique authority to investigate, arrest, search, seize and use reasonable and necessary force. It provides the basic police services of preserving the peace and protecting the lives and properties of others. We value professionalism, integrity, and teamwork with respect for each other and the community we are proud to serve.

Officer Bradley Strickland

Brad Strickland was hired to Patrol in 2007. He received his Associates Degree in Criminal Justice from Owens Community College in 2006. Officer Strickland is a recipient of the Meritorious Service Award, Life Saving Award and a two (2) time recipient of the Officer of the Year Award. Brad is a RAIDER (Rapid Deployment, Awareness, Intervention, Decisiveness, EMS, Recovery) Instructor for the department. He is a member of the Crisis Intervention Team (CIT), Bike Patrol and Officer for our Safety City Program, since 2010. In 2019 Officer Strickland was appointed as our School Resource Officer and in 2020 completed the DARE Program training.



Officer Rogelio Rubio

Rogelio Rubio began his career with the Napoleon Police Department as a full-time officer in 2011. Officer Rubio is a Veteran of the United States Army, serving for 12 years. He is a recipient of the Life Saving Award. Rogelio is an ASP and Glock Armorer Instructor for the department. He is a Field Training Officer (FTO) and serves as the Supply and Logistics Officer. Officer Rubio a member of the Bike Team and is also Emergency Medical Dispatch (EMD) Certified making him able to assist in the Communications Center if needed.



"Honesty, Honor, Loyalty, Benevolence, Respect, Justice & Courage"

PATROL DIVISION

continued

Officer Patrick Lannan

Patrick served and is a Veteran of the United States Army. Lannan was hired full-time as an Officer for the Napoleon Police Department in 2013.



Officer Robert Lipscomb

Robert Lipscomb was hired as a full-time officer for the Napoleon Police Department in 2016. In 2019 Officer Lipscomb was given the assignment of K9 Officer to K9 Luke. Rob is a member of the Crisis Intervention Team (CIT) and is Emergency Medical Dispatch (EMD) Certified.



Officer David Steward

David became a full-time officer for the Napoleon Police Department in 2014. He is a recipient of the Officer of the Year Award. Officer Steward is on the Warrant Entry Team (WET) and the Bike Team. He is also a Taser Instructor for the department.



Officer Ryan VonDeylen

Ryan VonDeylen was hired as a dispatcher for the Napoleon Police Department in 2014. In 2017 he was hired as a full-time officer. Officer VonDeylen is on the Warrant Entry Team (WET) and the Crisis Intervention Team (CIT). He is also a member of the Bike Patrol.



"Honesty, Honor, Loyalty, Benevolence, Respect, Justice & Courage"

PATROL DIVISION continued

Officer Tyler Murrey

Tyler Murrey is a Veteran of the United States Army and was hired as a full-time officer in 2018. Officer Murrey is a recipient of the Life Saving Award and is a member of the Crisis Intervention Team (CIT).



Officer Daniel Silette

Dan Silette was hired as a full-time officer to the Napoleon Police Department in 2019. He is a member of the Crisis Intervention Team (CIT).



Officer Nicholas Jones

Nick Jones was hired as a full-time officer in 2019. He is a member of the Crisis Intervention Team (CIT).



Officer Janell Marchant

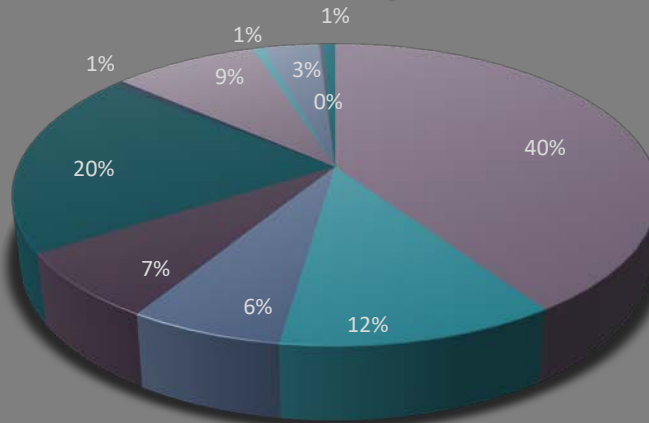
Janell Marchant was hired as a full-time officer in October 2020. She is a member of the Crisis Intervention Team (CIT).



"Honesty, Honor, Loyalty, Benevolence, Respect, Justice & Courage"

MAJOR OFFENSE REPORT

Breakdown of Major Offenses



- Larceny
- Drug Abuse
- Assaults
- Burglary/B&E
- Damage of Property
- Weapons Violations
- Menacing
- Rape
- Sex Offenses
- Robbery
- Motor Veh Theft

Major offense arrests	
Theft/Larceny	52
Drug Abuse	32
Assaults	25
Burglary/B&E	7
Damage of Property	8
Weapons Violations	1
Menacing	30
Rape	1
Sex Offenses	2
Robbery	1
Motor Veh Theft	0

In 2020, Napoleon Police Officers handled 627 major offense calls. Making 158 arrests from those offenses. This is a 14.8% increase in major offenses from 546 calls in 2019. 2020 arrests are down 9.7% from 175 in 2019. There has been a 44% increase in these types of calls in the past 3 years.



The Communication Center is where most calls for service originate. Dispatchers received telephone calls, either by business phone or 9-1-1, to obtain pertinent information to send the appropriate resources for assistance. Dispatchers are responsible for all communications via radio for the Napoleon Police Department, Napoleon Fire Department and monitoring radio traffic for other city departments as well as surrounding law enforcement agencies. After business hours, the communication center handles call for emergency utility requests. Dispatchers start reports in the departments CAD system for complaints and calls for service, entering all information Officers will need utilizing various computer programs. All dispatchers are required to be certified Law Enforcement Automated Data System (LEADS), Emergency Medical Dispatch (EMD) and CPR certified. They are also responsible for fulfilling record request, filing paperwork according to Ohio Record Retention requirements.

In 2020, dispatchers answered over 1700 9-1-1 calls and complete over 1000 record requests. A single record request could be for multiple reports, requiring more time to complete.

Dispatcher Tonya Walker

Tonya was hired in 2000 as a full-time dispatcher. She is a two (2) time recipient of the Dispatcher of the Year Award. Dispatcher Walker is the LEADS Terminal Agency Coordinator (TAC) as well as the Emergency Medical Dispatch Manager for the department. She is a Communications Training Officer (CTO) and a Tactical Dispatcher. Dispatcher Walker also handles record retention for the department.



Dispatcher Kore Rasey

Kore was hired as a full-time dispatcher for the Napoleon Police Department in 2016. She is a Certified Emergency Medical Dispatcher (EMD).

Dispatcher Marrisa Hull

Marrisa was hired as a dispatcher for the Napoleon Police Department in 2017. She is a recipient of the Dispatcher of the Year Award and serves as the department's Assistant LEADS Terminal Agency Coordinator (ATAC). Dispatcher Hull is a certified Emergency Medical Dispatcher and a Communications Training Officer (CTO).



COMMUNICATIONS OFFICE continued

Dispatcher Carli Crisler

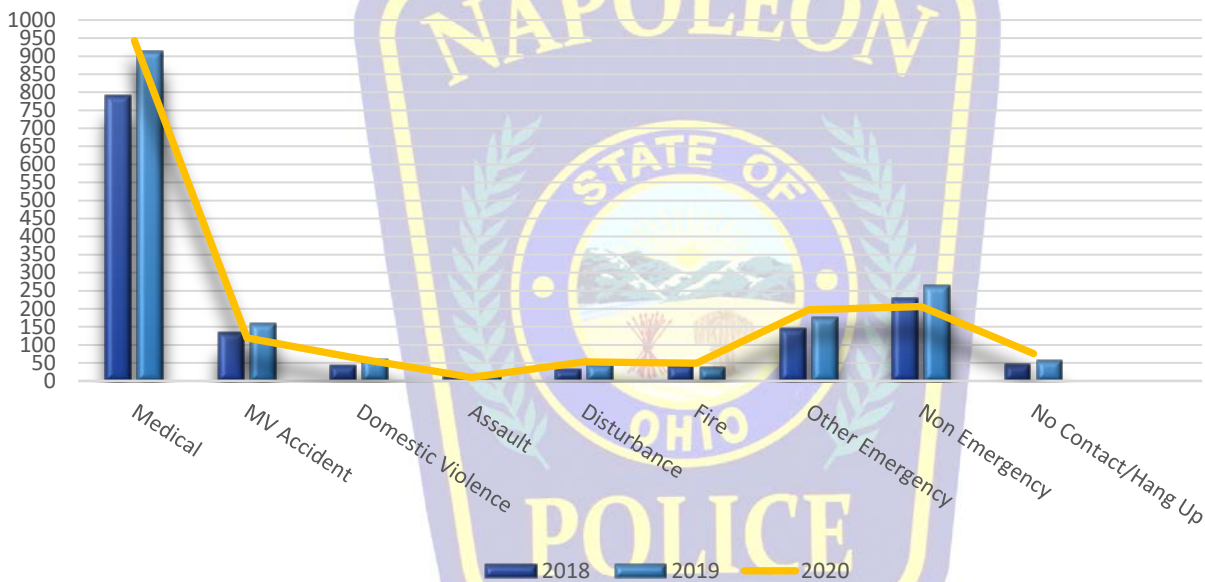
Carli was hired as a full-time dispatcher in 2019. She is Emergency Medical Dispatch certified (EMD).

Dispatcher Jayla Beal

Jayla was hired in 2019 as a full-time dispatcher. She is Emergency Medical Dispatch certified (EMD). Jayla also became the departments First Aid/CPR and AED Instructor.

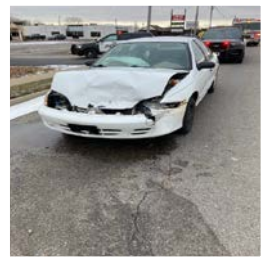
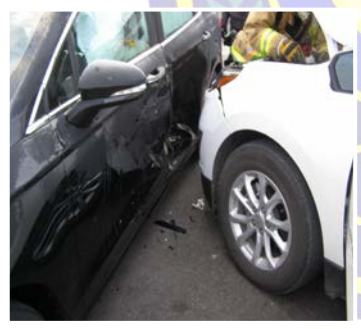
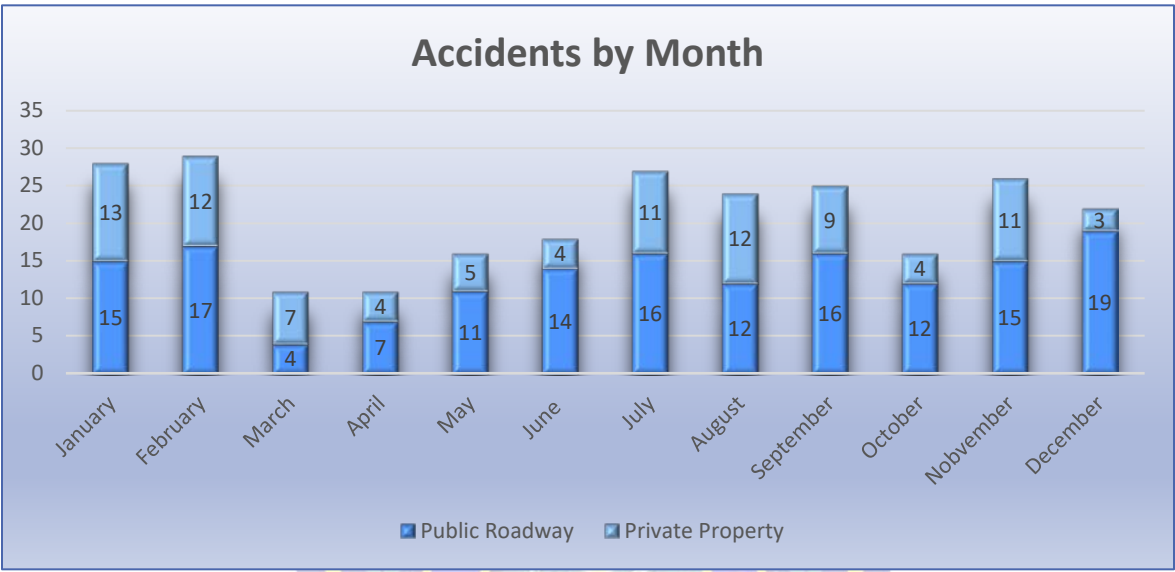
INSTRUCTOR

3 yr. 9-1-1 Call Comparison

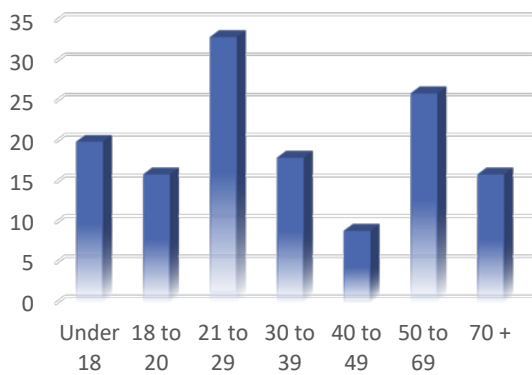


Traffic Report

Officers of the Napoleon Police Department handled 253 vehicle public and private property crashes. 10.7% were injury crashes, with thirty-seven (37) total injuries reported. There was an 18.9% decrease in accident reports from 2019.



CRASH AT FAULT BY AGE

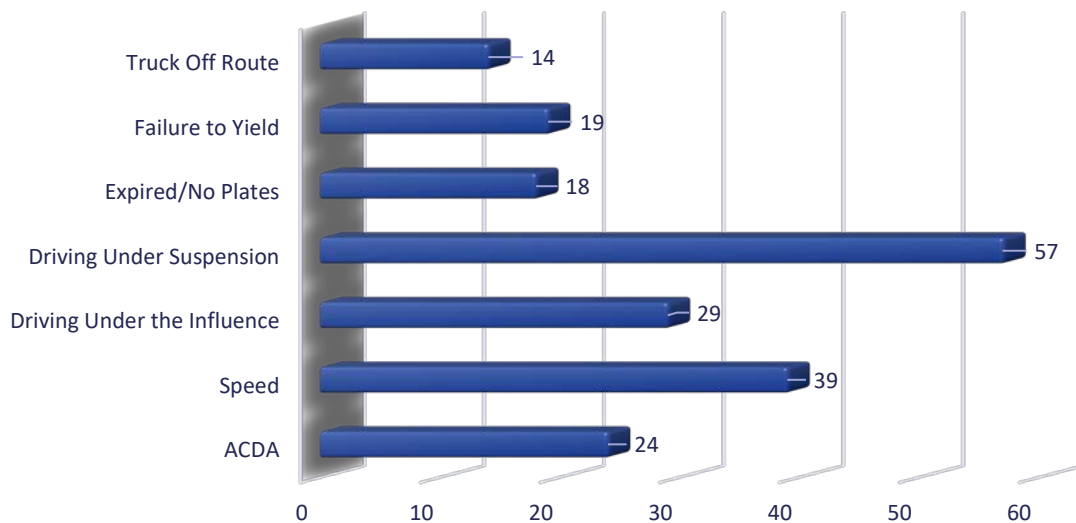


TOP CAUSES OF CRASHES

DESCRIPTION	TOTAL
ACDA	19
FTY FROM STOP SIGN	13
FTY FROM PRIVATE DRIVE	3
REASONABLE CONTROL	3
DRIVING WHILE UNDER THE INFLUENCE	3

Officers often conduct traffic patrols to enforce traffic safety laws.

Top Traffic Citation



SCHOOL RESOURCE OFFICER – NAPOLEON AREA SCHOOLS

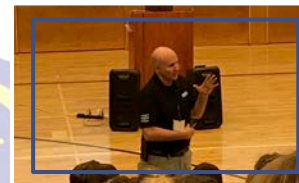
In 2019, Officer Bradley Strickland was chosen to fill the position of School Resource Officer. He attended multiple trainings that would provide him with the necessary training to assist him in this new assignment. Some trainings he has attended since being assigned the School Resource Officer that are related to this new assignment are as follows; 8 hour Self Aid / Buddy Aid, 8-hour Beyond the Silence 2, 40-hour School Resource Officer training at the Ohio Peace Officer Training Academy, 40-hour R.A.I.D.E.R training which stands for Rapid Deployment Awareness Intervention Decisiveness EMS Recovery, 4-hour Juvenile Law update, 4-hour CPR & First Aid, 80-hour D.A.R.E. instructor, and a 2-hour Madison School Active Shooter review.

Officer Strickland worked with school administration to be able to bring 2 outside organizations in to help teach the students on the topics of Distracted Driving and Internet Safety. The Peers Foundation came and instructed the Distracting Driving class. After teaching the safety reasons why distracted driving is dangerous, they then allow students to use their (ARDDDES) Augmented Reality Distracted Driving Education Simulator to safely demonstrate why it is dangerous to drive distracted. The ARDDDES allowed students to get into a real vehicle with functional equipment and wear an augmented reality headset to allow them to see and drive through a virtual world. While driving they would then be asked to conduct tasks to distract them such as changing the radio station, texting, and different tasks using their cell phone. We fervently believe that an interactive, hands-on approach is much more effective than lecturing young people on how to drive safely. They experience for themselves how unsafe driving behaviors can lead to unfortunate outcomes.

The Digital Empowerment Project came to the schools to teach 7-12 grade students and parents about internet safety and digital empowerment. This presentation is presented by Scott Frank a former (ICAC) Internet Crime Against Children investigator. A few unique things about this presentation are that he did not just teach about internet safety he also taught these students how to use the internet for good and to make them more desirable to colleges and future employers. Also, Scott taught an evening session to just parents. In this session he explained to the parents what he taught their children, then he taught them about internet safety and different ways they can protect themselves and their children in the online world.

In September Officer Strickland went to Columbus for 2 weeks to get certified as a Drug Abuse Resistance Education (D.A.R.E) instructor. After successfully completing the training Officer Strickland has taught 15 classes to the Napoleon Elementary 5th grade class.

The School Resource Officer has many responsibilities to include but are not limited to, keeping the student and staff safe, assisting in emergency planning and threat assessments of the building and grounds, handling criminal and civil complaints, traffic accidents, mental health concerns, and any other calls for service that occur on school property. Officer Strickland spends time in classrooms, assisting teachers, or even just talking with students to build a rapport with them. Officer Strickland has assisted with by not only teaching but also developing the curriculum for are Internet Safety, Cyber Bullying, Substance Abuse, Sexting, and related topics.



SRO STATISTICS

Presentations	52
Meetings	24
General Office Reports	53
Accident Reports	1
Assisted in School Complaints	26
Parking Lot Assists	5
Court Appearances	1
Training Hours	132

K9 UNIT

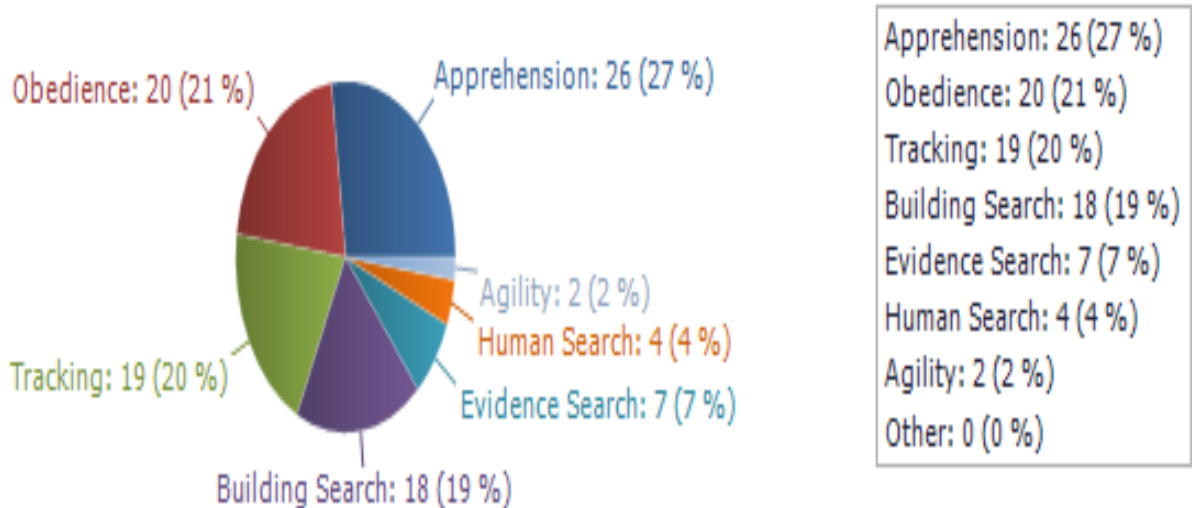


Training is a huge part of developing a K9 team, particularly in the first year. Ptl. Lipscomb and K9 Luke logged 114 hours actively training this year. This included time spent on and off duty, and covered every area that Luke is expected to perform in.

K9 Luke was deployed 26 times this year. His deployments were for a wide variety of incidents to include vehicle sniffs for narcotics, warrant services, tracks, criminal apprehensions, and school sniffs for narcotics. Ptl. Lipscomb and Luke were responsible for the filing of 9 misdemeanor drug charges and 9 felony drug charges, including charges for possession of heroin, fentanyl, cocaine, methamphetamine, and prescription pills.

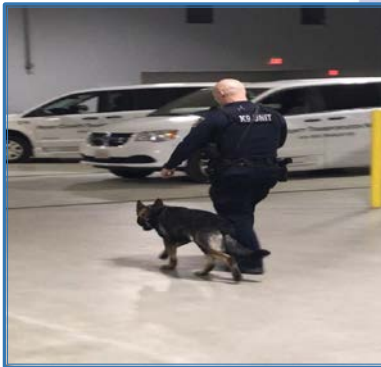
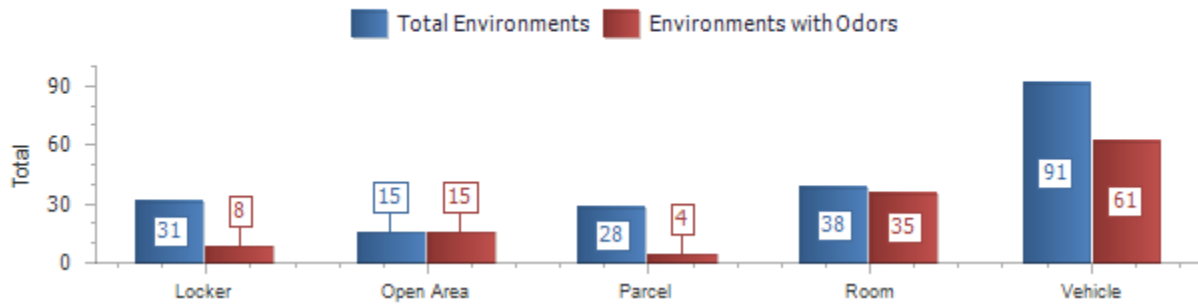
K9 Luke performed a successful track of a burglary suspect that fled the scene, which resulted in charges being filed. K9 Luke also assisted on several warrant apprehensions this year, where once the suspect encountered K9 Luke they surrendered, eliminating the possibility of Officers needing to use any force. The mere presence of the K9 is often time invaluable to Officers in the field.

Patrol Exercise Types



K9 UNIT continued

Detection Environment Types



Drug Odors



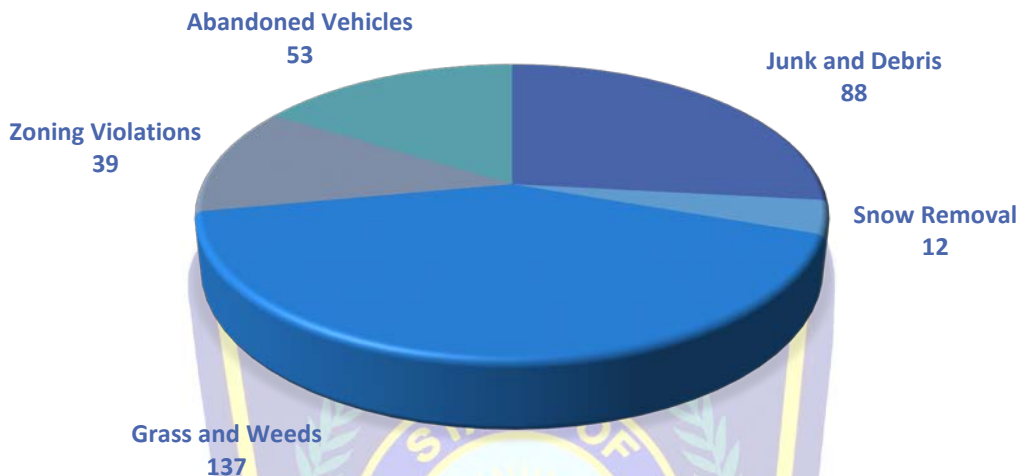
Packaging Around Drugs

Canvas: 65 (59%)	Plastic: 15 (13%)	Cotton Ball: 9 (8%)	Envelope: 6 (5%)
PVC Tube: 5 (4%)	Paper: 5 (4%)	Fabric: 2 (1%)	Canvas/Plastic: 2 (1%)
Fire Hose: 1 (0%)			

CODE ENFORCEMENT AND ZONING

Kevin Schultheis is Code Enforcement Officer for the City of Napoleon. He is responsible for enforcing the City Codified Ordinances and issuing citations for code violations. In 2020, he also became the City of Napoleon Zoning Administrator, responsible for zoning issues and issuing Building and Inspection permits.

2020 CODE VIOLATIONS



Zoning Department



This chart depicts the number of hearings, new businesses, and new residential homes the Zoning Department handled in a three (3) year comparison. Planning and Preservation Commission hearings were up from 2019, while Board of Zoning Appeals were down by half. The number of new business has doubled for 2020 and the number of new residential homes has decreased.

The Zoning Administration also handles Wood County Permits. In 2020 there were 64 Commercial Inspection Permits and 86 Residential Inspection Permits.

AWARD DESCRIPTIONS

Award for Valor



Awarded for any act above and beyond normal duty, with extreme risk to the life of the Officer.

Meritorious Service



Awarded for any act that involves serious risk to another with little risk to the life of the Officer.



that involves serious risk to another with little risk to the life of the Officer.

Life Saving Award

Any act by an Officer that helps or saves the life of another.

Chief's Citation



Award for excellence awarded by the Chief of Police for incidents not covered above.

Veterans Service



Any department member who has prior or current Military Service is recognized.

Officer/Dispatcher of the Year



Both the Officer and Dispatcher who stood out during the calendar, recommended by other department members.

Tactical Team



Current and past members of the Departments Tactical Team who have complete the Basic SWAT Course.

Drug Recognition Expert



Any Officer with advanced training in the recognition of vehicle operators impaired by various drugs.

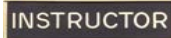
Firearms Instructor



Any Department member who is an OPOTA certified Firearms Instructor.

AWARDS continued

Instructor



Any Department member who is an Instructor in various array of disciplines.

Field Training Officer



Current and past Officers who train new Patrol and Dispatch personnel.

D.A.R.E.



New in 2020 awarded to any officer as a certified as a D.A.R.E. instructor.

School Resource



Current and previously assigned School Resources Officer with additional training for that assignment.

Bike Patrol



Any Department member who has been trained in Bike Patrol techniques.

Yearly Attendance



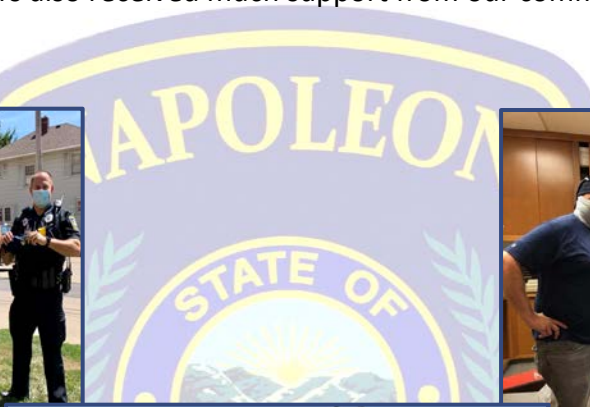
Any Department member who had perfect attendance the previous year.

In 2018 the Napoleon Police Department's Awards and Certifications ribbons were overhauled by Lt Smith as assigned by the Chief of Police. The Chief of Police wanted to recognize Department members for; time and effort they put into earning additional certifications, for their Military Service and for acts that result in the saving of a Life. The award ribbons were assessed and assigned in order of merit, which is the order they will be worn on Officer and Dispatcher uniforms. A new style of ribbon and holder was selected which allows for the display of the ribbons uniformly throughout the department.

COMMUNITY OUTREACH

This year looked a lot different for our department in terms of our Community involvement. We were unable to host Safety City, Coffee With A Cop or other public meetings. Officers did try to connect with citizens in other ways when possible. A popular activity that Officers would participate in were drive by “parades”. Officers would line up with others in the community to drive past a residents home to wish them well on their birthday. There was a lot of positive reaction from the public and it was a safe, easy way to lift someone’s spirits.

Officers also made donation to the schools of safety equipment such as masks for staff and students and also some sterilizing units. Officers also received much support from our community.



"Honesty, Honor, Loyalty, Benevolence, Respect, Justice & Courage"

NAPOLEON POLICE AUXILIARY

The Napoleon Police Auxiliary aids the City of Napoleon in many aspects. They have assisted with security at multiple school events, such as sporting events, concerts and plays. They have maintained traffic control for all parades and special events in the City, such as the Rib Fest and the Henry County Fair. The Auxiliary also aided the Police Department by providing additional support when needed. Members of the auxiliary may ride with an officer to gain experience; many members move on to becoming fully certified Police Officers.

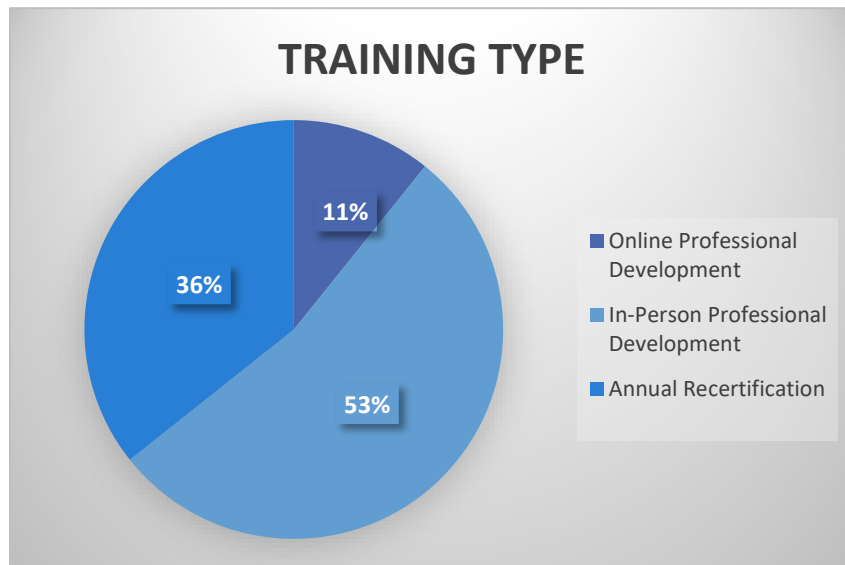
Lt. Pete Mendez
Sgt. Steven Brown
Sgt. Chris Chamberlin
Jeff Nicely
Rebekah Frey
Kevin Schultheis
Ashlyn Morey
Thalia Perez
Joseph Sauber
Chaplin Juli Lejman-Guy
Liaison – Lt. Greg Smith

This year Auxiliary Officers logged fifty-eight (58) hours of ride along time and two-hundred seventy (270) hours providing security at sporting events.

Each year our Officers have recertification training that they are required to complete. Most of these are firearms or defensive tools such as Taser, OC (pepper) spray and ASP (baton). Officers and Dispatchers also completed numerous elective trainings in 2020.

Due to Covid-19 Safety protocols, the department had to minimize the Auxiliary involvement in our ride along program. Also, school sporting events were limited on public participation. This all resulted in a decrease in Auxiliary service hours.

Despite restrictions and limitations of Covid-19 for most of the year, Napoleon Police Department staff were able to complete over 900 hours of Professional Development training. This is due largely to our in-house Instructors who are able to assist Officers in keeping certifications current.



TRAINING HOURS SUMMARY			
	RECERTIFICATION TRAINING	ONLINE PROFESSIONAL DEVELOPMENT	IN-PERSON PROFESSIONAL DEVELOPMENT
COMMAND STAFF	69	20	70
PATROL	160	58	427
DISPATCHERS	81	23	4
AUXILIARY	24	0	0
TOTAL HOURS	334	101	501

The Ohio Collaborative, a 12-person panel of law enforcement experts and community leaders from throughout the state, established state standards for use of force including use of deadly force and agency employee recruitment and hiring that can help guide law enforcement agencies in Ohio.

To be certified by the State, every law enforcement agency must be committed to their community by providing services with due regard for the cultural, racial, or other differences that make up the community. It is the policy of this agency to provide services and enforcement fairly and without discrimination toward any individual or group of people. Race, gender, gender identity, sexual orientation, religion, nationality, ethnicity, cultural affiliation, age, disability, economic status, or affiliation with any other similar identifiable group shall not be used as the basis for providing law enforcement services or the enforcement of laws.

Areas that are currently covered by the Ohio Collaborative Board

- Use of Force
 - Annually we analyze and review all use of force incidents to develop recommendations to improve training and reporting.
- Recruitment & Hiring
 - We had seven (7) college interns and attended one job fair.
- Community Engagement
 - Signing and testing department policy
 - Officers of this agency receive continual testing and training on this policy, and officers are required to acknowledge they have read the policy. In 2019 all employees of the agency have completed the training and proficiency testing
- Dispatch Training
- Body Worn Cameras
 - We currently have a waiver due to not having body worn cameras.
 - Within the past couple of years, the department has added car cameras.
- Personnel Complaint
 - All complaints will be courteously accepted by any agency member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit, as appropriate. Although not required,

complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

- o Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy or of federal, state, or local law, policy or rule. Personnel complaints may be generated internally or by the public. Inquiries about conduct or performance that, if true, would not violate agency policy or federal, state, or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Agency.
- o The Chief of Police and Administrative Lieutenant conduct and annual review of agency practices, data collected and citizen complaints.
 - ❖ 05/18: A Supervisor reported possible Policy Violations reference the arrest and transport of a suspect by an officer. An Internal Investigation was conducted, and the results were reviewed by outside agencies. The following Department Policies were found to have been violated: Use of Force, Guidelines for Use of Leg Restraints, Conducted Energy Device and Medical Aid and Response. The Officer was disciplined, and retraining was conducted.
 - ❖ 05/18: During the Internal Investigation of the above incident, it was determined there were Policy Violations by another officer. The following Department Policies were found to have been violated: Transport of Prisoners-Seatbelts, Guidelines for Use of Leg Restraints, and Medical Aid and Response. The Officer was disciplined, and retraining was conducted.
 - ❖ 07/14: A Supervisor notified Command that a Dispatcher mishandled a call. Information was turned over to the Direct Supervisor who was able to provide corrective coaching.
 - ❖ During 2020 there have been Citizen Inquiries into Officer conduct and or decisions, these have been explained/corrected at the Supervisory Level.
- Bias Free Policing
 - o Criminal profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may consider the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

- The lack of inappropriate reliance on factors such as race, gender, gender identity, ethnicity, national origin, religion, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.
- Compliance Documentation
 - The Napoleon Police Department collects gender and race/ethnicity data, in accordance with OCCPAB standards. This documentation is maintained by the department and available as a Public Record.
- Corrective Actions
 - Supervisors and command staff of this agency review department reports daily. Supervisors/command staff are charged with ensuring officers adhere to this policy. Supervisors are required to address training issues and disciplinary action for those employees who violate this policy. There were no instances of violations of this policy reported in 2020.

2020 COMPLAINTS

05/18: A Supervisor reported possible Policy Violations reference the arrest and transport of a suspect by an officer. An Internal Investigation was conducted, and the results were reviewed by outside agencies. The following Department Policies were found to have been violated: Use of Force, Guidelines for Use of Leg Restraints, Conducted Energy Device and Medical Aid and Response. The Officer was disciplined, and retraining was conducted.

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- Presidential Executive Order
 - 13929 – Safe policing for safe communities. Mandating policy prohibiting choke holds as described in the Executive Order.

As of 2020, the Napoleon Police Department is extremely proud to have received final certification in all the above categories.

The State annually adds compliance standards that must be followed to apply for grants

Out of 14,022 calls for service, the department issued 1,254 warnings. Of those warnings 775 were male, 477 were female and 2 were of unknown gender. Race breakdown is as follows: 2 Asian, 54 Black, 1,089 White and 59 of Unknown race.



**Ohio Collaborative
Community-Police Advisory Board**

[#changestartshereohio](#)
[#beheardohio](#)

PATROL FLEET

The Police Department has eight (9) vehicles in its fleet. The fleet consists of a K9 Unit, a School Resource Unit, a Code Enforcement Unit, an unmarked Detective vehicle and a Unit for Auxiliary use. We also have a utility trailer that is used by our WET (Warrant Entry Team) and for weapons certifications and training.

Our vehicles receive weekly maintenance checks to assure they are safe and road worthy.

YEAR	AVERAGE DRIVE MILES PER VEHICLE	TOTAL FLEET MILES DRIVEN	REPAIR COST	YEARLY FUEL USAGE
2020	11,970	119,703	\$4,810.00	11,412 gal
2019	15,894	127,154	\$7,183.00	12,366 gal

CAR	2019 MILES	YR END VEH MILES	CAR	2019 MILES	YR END VEH MILES
21	14,059	14,324	26	25,118	53,083
23	28,509	29,481	28	2,093	75,484
24	5,962	32,075	29	31,214	70,056
25	9,351	48,618	30	10,848	77,500

The staff of the Napoleon Police Department would like to thank you for all your support in the past year. We will continue to serve and protect the City of Napoleon and its citizens to the best of our abilities.