

**RESOLUTION NO. 038-13**

**A RESOLUTION AUTHORIZING PATRICK MCCOLLEY AS DELEGATE TO REPRESENT THE CITY OF NAPOLEON AS A MEMBER OF THE BOARD OF DIRECTORS OF THE OHIO MUNICIPAL ELECTRIC ASSOCIATION; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon ("Municipality") is a member of Ohio Municipal Electric Association ("OMEA"), a non-profit corporation in the State of Ohio whose members are Ohio municipal corporations that own and operate electric utility systems; and

**WHEREAS**, OMEA exists for a public purpose, namely as a legislative liaison to assist municipally owned electric systems of the State of Ohio in monitoring State and Federal legislative and regulatory activities relevant to the electric industry; and to keep appropriate State and Federal elected officials informed of the positive or negative impact of those activities on member systems; and

**WHEREAS**, the affairs of OMEA are managed by a Board of Directors ("Board"), with sixteen voting members (twelve designated for elected officials, four designated for either elected or non-elected officials and three of the sixteen elected by the Board as named individuals on an Executive Committee); and

**WHEREAS**, the voting members of the Board are elected by, and from among, the membership, and the Municipality has been elected as a Director of the Board ("Director"); and

**WHEREAS**, the Municipality is required to designate formally a person to represent it on the Board and to exercise the duties of OMEA; and

**WHEREAS**, the Municipality desires to provide for the appointment of an alternate representative to serve in the designated Director's stead during such period as the Director may be unable to represent the Municipality.

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Napoleon, Ohio, a majority of its members elected thereto concurring:

**SECTION 1:** That effective immediately, Patrick McColley, as incident of the official's capacity as Councilperson of the Municipality, be and is, hereby designated the representative of the Municipality on the Board to act on behalf of Municipality in the discharge duties as a Director and that Patrick McColley may designate in writing another, that being fellow Councilman Travis Sheaffer, to the Director to serve during such period as the Director may be unable to represent the Municipality.

SECTION 2: That the Director or Alternate of the Municipality so designated be, and hereby is, authorized and empowered, acting for, in the name of and on behalf of the Municipality, and as the Municipality's agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, that the Municipality may have as a Director of the Board, including without limitation to attend and take part in meetings of the Board and of committees of the Board, to vote on and otherwise act with respect to all matters that may properly come before the Board or any committee of the Board, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent the Municipality and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Director and to carry out the full intent and purposes of this Resolution and the purposes and powers of OMEA.

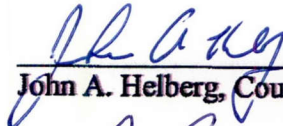
Section 3: That the Director named in Section 1, and any Alternate, be entitled to receive reimbursement from OMEA for reasonable out-of-pocket expenses associated with service as representative for the Municipality as Director.

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


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

Section 6: That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to designate a new delegate to OMEA which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: July 15, 2013

  
John A. Helberg, Council President

Approved: July 15, 2013

  
Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 1 Abstain

Attest:

  
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Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 038-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Gregory J. Heath, Clerk/Finance Director*