

## **RESOLUTION NO. 014-16**

### **A RESOLUTION APPROVING REVISION NO. 3 TO THE CONTRACT WITH THE HENRY COUNTY GENERAL HEALTH DISTRICT; CITY CONTRACT NO. 2016-13; AND DECLARING AN EMERGENCY**

**WHEREAS**, the District Advisory Council of Henry County, Ohio, a General Health District, at a Regular meeting held March 6, 1952, by a majority vote of the representatives of the total number of townships and villages entitled to representation did vote affirmatively on the question of union with the City Health District of Napoleon, Ohio, and did instruct the chairman of the advisory council to enter into a contract with the Mayor of the said City to provide public health services; and,

**WHEREAS**, the Council of the City of Napoleon, at a regular meeting held March 6, 1952, by a majority of all members voting affirmatively on the question of uniting with the Henry County General Health District, by the passage of Resolution No. 8, did authorize the Mayor of said City to enter into a contract with the chairman of the District Advisory Council for public health services for said City; and,

**WHEREAS**, the parties to this amendment agreement entered into a contract dated March 6, 1952, for the union of the Napoleon City Health District with the Henry County Combined General Health District to form a Combined General Health District to be known as the "Henry County General Health District"; and,

**WHEREAS**, on or about March 6, 1956, another agreement was entered into by the parties; however, the agreement was never adopted by formal resolution or ordinance of City Council, merely, by simple motion; thereby not constituting a proper adoption; and,

**WHEREAS**, the parties entered into revised contract in the month of August, 1987, thereby amending the original March 6, 1952 agreement, in order to reflect an increase to seven the number for the Combined Board Membership; and,

**WHEREAS**, in the year 1991, via the passage of Ordinance No. 58-91, the Napoleon City Council in the spirit of cooperation authorized an agreement where payment was made to the Henry County Commissioners by the City in the amount of \$60,628.50 to pay for a portion of the capital costs of constructing and remodeling the office of the Combined General Health District at the location of the Hahn Center; and,

**WHEREAS**, in the year 1989, a special levy not to exceed ten (10) years was passed by the voters of Henry County for the Health Department, thereby satisfying the budget requirements set forth in Section 3709.28 of the Ohio Revised Code; and,

**WHEREAS**, in the year 1998, to take effect in the year 1999, another special levy (or renewal) not to exceed ten (10) years (1 mill) was passed by the voters in regards to the Health Department, thereby satisfying the budget requirements set forth in Section 3709.28 of the Ohio Revised Code; and,

**WHEREAS**, in the year 2002, to be collected in the calendar year 2003, another special levy was passed by the voters not to exceed ten (10) years, to replace the existing levy, and to provide for the general operation of the Henry County Health District at a rate not to exceed 1.2 mills; and,

**WHEREAS**, Ohio legislation known as Substitute Senate Bill 136, which became effective November 21, 2001, made a number of changes pertaining to general health districts, and, in particular, changed the statutory scheme by requiring inclusion on each board of health of a member who represents the activities licensed by the Board of Health. Specifically, O.R.C. §§3709.41 and 3709.07 were amended to provide for a Health District Licensing Council in each Ohio General Health District and that the Board of Health have as one of its members a member appointed by the Health District Licensing Council; and,

**WHEREAS**, the original contract needed to be revised to conform with this new legislation so as to provide that one of the members of the Board of Health of the Henry County Combined General Health District be a member appointed by the Health District Licensing Council, and to clarify the payment of operation costs, and to prohibit termination of the agreement during the period a health levy is in existence; and,

**WHEREAS**, the District Advisory Council of the Henry County General Health District, at a meeting held February 2, 2002, by a majority affirmative vote of the members of the District Advisory Council on the question of the amendment, did instruct the Chairman of the District Advisory Council to enter into an agreement with the chief executive of the City of Napoleon to amend the existing contract; and,

**WHEREAS**, the Council of the City of Napoleon, at a meeting held November 3, 2003, by a majority affirmative vote on the question of the amendment, did authorize the chief executive of the City of Napoleon to enter into an agreement with the chairman of the District Advisory Council to amend the existing contract; and,

**WHEREAS**, the original contract was, on or about December 3, 2003, pursuant to agreement, revised to conform with this new legislation so as to provide that one of the members of the Board of Health of the Henry County Combined General Health District be a member appointed by the Health District Licensing Council, and to clarify the payment of operation costs, and to prohibit termination of the agreement during the period a health levy is in existence; and,

**WHEREAS**, in the year 2012, to be collected in the year 2013, a renewal levy was passed by the voters not to exceed five (5) years, to replace the existing levy, and to provide for the general operation of the Henry County Health District at a rate not to exceed 1.2 mills; and,

**WHEREAS**, the 31<sup>st</sup> Ohio General Assembly amended O.R.C. §§3709.41 and 3709.07 to make the establishment of a Health District Licensing Council permissive, rather than mandatory, effective September 15, 2015. Specifically, these statutes were amended to state that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory and the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council; and

**WHEREAS**, the original contract again needs to be revised to conform with O.R.C. §§3709.41 and 3709.07, as amended which state that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory, and that the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council, and to clarify the

payment of operation costs, and to prohibit termination of the agreement during the period of a health levy is in existence; and

**WHEREAS**, the District Advisory Council of the Henry County General Health District, at a meeting held March 29, 2016, by a majority affirmative vote of the members of the District Advisory Council on the question of the amendment, did instruct the Chairman of the District Advisory Council to enter into an agreement with the chief executive of the City of Napoleon to amend the existing contract to establish that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory and the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council; and,

**Now Therefore,**

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

Section 1. That, the City Manager is hereby authorized to enter into Revised Agreement No. 3 with the Henry County General Health District, Contract No. 2016-13, currently on file in the office of the City Finance Director.

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.

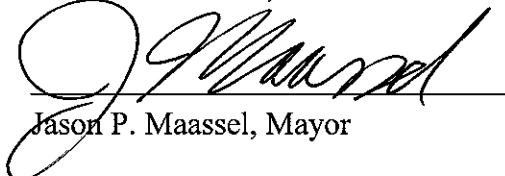
Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining 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 so that the signed contract can be submitted to the Ohio Department of Health; 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: April 18, 2016

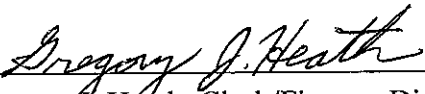
  
Travis B. Sheaffer, Council President

Approved: April 18, 2016

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 2 Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 014-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 31 day of May, 2016; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

**SUMMARY OF ORDINANCE NO(S) . 009-16, 013-16  
RESOLUTION NO(S) . 014-16, 015-16, 016-16, 018-16**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER; CHAPTER 121 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO; CITY COUNCIL RULE 6.5; AND APPLICABLE PROVISIONS OF O.R.C. CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance No. 009-16**

**AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO ENGINEERING DEPARTMENT RULES AND REGULATIONS, TO WIT: VARIOUS SECTIONS IN RULES 3, 4, 5, 6, AND 7**

In this legislation, the City of Napoleon approved and implemented various changes to the City of Napoleon, Ohio Engineering Department Rules and Regulations. A complete copy of the Rules and Regulations can be obtained from the City as stated in the above Notice.

**Ordinance No. 013-16**

**AN ORDINANCE ADOPTING A NEW CITY INVESTMENT POLICY IN AND FOR THE CITY OF NAPOLEON, OHIO (INVESTMENT POLICY NO. IP 16-0003); REPEALING ORDINANCE NO. 87-99 AND POLICY NO. 0002 AS WAS PERIODICALLY AMENDED**

In this legislation, the City of Napoleon adopted a new City Investment Policy, and a complete copy of said Policy can be obtained from the City as stated in the above Notice.

**Resolution No. 014-16**

**A RESOLUTION APPROVING REVISION NO. 3 TO THE CONTRACT WITH THE HENRY COUNTY GENERAL HEALTH DISTRICT; CITY CONTRACT NO. 2016-13; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to enter into a Revised Agreement with the Henry County General Health District in order to establish that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory and the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council.

**Resolution No. 015-16**

**A RESOLUTION AUTHORIZING ENROLLMENT IN THE OHIO RURAL WATER ASSOCIATION 2017 WORKERS' COMPENSATION POOL, AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DIRECTING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH COMPMANAGEMENT, LLC, A WORKERS' COMPENSATION ADMINISTRATOR; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized enrollment in the Ohio Rural Water Association 2017 Workers' Compensation Pool, and also authorized the City Manager to enter into a contract with CompManagement, LLC to serve as the City's workers' compensation third party administrator.

**RESOLUTION NO. 016-16**

**A RESOLUTION AUTHORIZING THE CITY OF NAPOLEON TO DESIGNATE A REPRESENTATIVE TO RUN FOR AN ELECTED POSITION ON THE OHIO RURAL WATER ASSOCIATION BOARD OF DIRECTORS; AND, DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon expressed its desire to have a City representative run for a position on the Ohio Rural Water Association Board of Directors and thereby authorized Scott Hoover, Water Plant Superintendent for the City of Napoleon, to run for said position.

Resolution No. 018-16

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE IN COOPERATION WITH ODOT; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to enter into a contract with the Ohio Department of Transportation for the purchase of sodium chloride (salt) for the 2016-2017 winter season.

All of the above summaries are approved as to form and correctness by Lisa L. Nagel, City Law Director


# PROOF OF PUBLICATION

State of Ohio, Henry County, ss.

Christopher Cullis, being dully sworn,  
Deposes and says that he is the Publisher  
of the Northwest Signal, a daily newspaper  
published in Napoleon, in said Henry County,  
Ohio, and of general circulation herein; that  
the annexed advertisement and notice was  
printed and published in said newspaper for  
1 days/weeks, the first insertion being  
on the 31 day of May 2016 and  
for 0 consecutive days/weeks thereafter.

  
Christopher Cullis

Subscribed to in my presence and sworn before  
me this 6 day of June 2016

  
Peggy S. Woods, Notary Public

My Commission expires: September 4, 2016

Notary Fees.....\$1.50  
Printer's Fees.....\$280.80

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CHARTER, CHAPTER 121 OF THE CODIFIED ORDINANCES  
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