

RESOLUTION NO. 021-16

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CONTRACT WITH THE OHIO BUREAU OF
WORKERS' COMPENSATION (BWC FORM U-69) TO PROVIDE
WORKERS' COMPENSATION COVERAGE FOR CITY
VOLUNTEERS; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Napoleon is an active participant in the Ohio Bureau of Workers' Compensation program;

WHEREAS, the City of Napoleon desires to expand its workers' compensation coverage to include non-emergency volunteers, probationers performing community service, and inmate program volunteers/participants, including, but not limited to, Corrections Center of Northwest Ohio ("CCNO") inmates; Now Therefore,

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

Section 1. That, intending to be legally bound, the City Manager of the City of Napoleon, Ohio, is given the authority in the name of the City of Napoleon, Ohio, to complete the Ohio BWC's U-69 form titled, "Contract for Coverage of State Agency or Political Subdivision," (a copy is attached as "Exhibit A") and thereby provide workers' compensation coverage to non-emergency volunteers; probationers performing community service; inmate program volunteers/participants, including, but not limited to, CCNO inmates; and any other persons who may be included as part of the U-69 coverage.

Section 2. That, the City Manager and/or the City Manager's representative are authorized to fill out and submit any and all necessary documentation to effectuate the intent of this legislation.

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

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

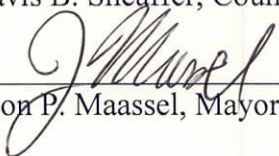
Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time in order to provide necessary workers' compensation coverage for various City volunteers, probationers, and inmates; 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: June 6, 2016



Travis B. Sheaffer, Council President

Approved: June 6, 2016



Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay _____ Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 021-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 20th day of July, 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



This Contract by and between Ohio Bureau of Workers' Compensation (BWC) and _____, a state agency of the State of Ohio, or a political subdivision of the State of Ohio, hereinafter referred to as the State Agency and Public Employer; is entered into pursuant to the authority contained in Section 4123.03, Ohio Revised Code (ORC).

In consideration of mutual promises, agreements, and covenants herein contained:

- 1) The Public Employer agrees to submit with this contract at the time of the execution hereof a copy of the official action of the subdivision authorizing the execution of this contract. If this contract is being executed on behalf of a State Agency, the administrator, director or other top official of such agency authorized to execute contracts on behalf of such agency shall sign the contract;
- 2) The State Agency or Public Employer agrees to maintain at the outset of this contract and update throughout the entire term of this contract, a list of names, along with addresses, and any other information needed to identify and verify any persons covered under this contract, including termination dates for all individuals; and the employer shall make any such roster available to the bureau upon request;
- 3) BWC agrees to extend the benefits of the workers' compensation law under Chapter 4123, ORC, to such listed persons as may sustain injuries or occupational diseases in the course of and arising out of such services to the Employer, subject to all the provisions of Chapter 4123, ORC, provided that such persons were listed on the roster prior to occurrence of the injury or the inception of the occupational disease;
- 4) BWC agrees that the wage base for reporting payroll for premium purposes be as follows: The base to which the rate shall be applied to probationers shall be the State of Ohio minimum hourly wage provided by law, times the total hours worked for each probationer. Volunteer workers providing services in educational, welfare, social, and medical programs of the employer shall be reported at a base equal to the State of Ohio minimum wage, and never less than 20 hours per week, per volunteer; and that the Public Employer's resolution specifically define all categories of employees for which contract coverage is desired; and that the Public Employer agrees to maintain adequate records to support the reporting of wages, allowances, or any other type of remuneration, the payment of premium;
- 5) If this contract is being executed on behalf of a State Agency, it is mutually agreed that no payroll is to be reported for persons qualifying for workers' compensation benefits under the terms of this contract for premium rate-making purpose due to the state agency employer rate making methodology that calculates a rate representing paying dollar for dollar for all claim costs, and all claim costs will be added to the current rate making methodology;
- 6) It is mutually agreed that premium for Public Employer with respect to each person reported for coverage as herein provided shall be deemed earned when the coverage is extended, and no premium will be refunded upon termination of coverage for any cause provided. However, a premium refund will be made where the refund is occasioned by an adjustment in the premium rate;
- 7) BWC agrees to bill the Public Employer for the premium due under this contract at the time and in the manner applicable to the collection of premium due from the Public Employer by reason of the services of the employees;
- 8) The Employer agrees to submit the same applications for benefits as regular public employees, but shall designate in a prominent place on such application that it is for a "U 69 volunteer, probationer, etc.;"
- 9) BWC agrees to compute the average weekly wage, the base for the payment of benefits, in accordance with Section 4123.61, ORC, taking into consideration the wage earnings from sources other than the services rendered under this contract coverage;
- 10) The contract shall be in effect from and after the date BWC receives the contract;
- 11) It is further mutually agreed that either party may terminate this contract by notifying the other party in writing, by certified mail, of its intention to terminate. Said termination shall take effect on the date fixed in the written notification but no less than 30 days after the mailing of said notification. Upon termination, the rights, duties, and liabilities of each party shall cease except as to injuries occurring before the date of termination.

In witness whereof, the administrator of BWC for BWC and the top official of the state agency of the State of Ohio; or official of the political subdivision of the State of Ohio duly authorized by such agency; or subdivision and having the authority to execute the contract under the laws of the State of Ohio do execute this contract by affixing their signatures hereto.

Administrator
Ohio Bureau of Workers' Compensation


Date

Policy number	Date
Signature	
Title	

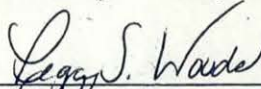
PROOF OF PUBLICATION

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 20th day of July 2016 and
for 0 consecutive days/weeks thereafter.

X 
Christopher Cullis

Subscribed to in my presence and sworn before
me this 21 day of July 2016.

X 
Peggy S. Woods, Notary Public
My Commission expires: September 4, 2016

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

SUMMARY OF ORDINANCE NO(S): 019-16, 020-16, 022-16, 024-16

RESOLUTION NO(S): 017-16, 021-16, 023-16

(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. 019-16

AN ORDINANCE TO APPROVE CURRENT APRIL, 2016 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

In this legislation, the City of Napoleon approved replacement pages to the Napoleon Codified Ordinances through April, 2016.

Ordinance No. 020-16

AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO ENGINEERING DEPARTMENT RULES AND REGULATIONS, TO WIT: RULE 4.1.3; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized an amendment to the Engineering Department Rules and Regulations, Rule 4.1.3. A complete copy of said Rules can be obtained from the City as stated in the above Notice.

Ordinance No. 022-16

AN ORDINANCE PROVIDING FOR AN ELECTION ON THE QUESTION OF AN AMENDMENT TO THE CITY OF NAPOLEON, OHIO CHARTER ARTICLE II (COUNCIL), ARTICLE V (BOARDS AND COMMISSIONS), AND IX (INITIATIVE, REFERENDUM AND RECALL); AND DIRECTING THE BOARD OF ELECTIONS OF HENRY COUNTY, OHIO TO CONDUCT SUCH ELECTION ON THE NOVEMBER 8, 2016 BALLOT

In this legislation, the City of Napoleon authorized three separate proposed amendments to the City Charter to be placed on the November 8, 2016 General Election ballot. A complete copy of the three proposed changes to the City Charter can be obtained from the City as stated in the above Notice.

Ordinance No. 024-16

AN ORDINANCE VACATING A PORTION OF A CERTAIN ALLEY AND ROADWAY LOCATED SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF FRONT STREET AND ADJACENT TO THE WESTERLY LINE OF LOT 137 OF PHILLIPS & STAFFORDS THIRD ADDITION, AND ALSO BEING ROADWAYS WITHIN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 13, TOWN 5, RANGE 6 EAST OF NAPOLEON, HENRY COUNTY, OHIO, AS SHOWN ON EXHIBIT "A"

In this legislation, the City of Napoleon vacated an alley and roadway at the request of the property owner.

Resolution No. 017-16

A RESOLUTION ADOPTING THE 2017 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTION 5705.28 OF THE ORC AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon adopted the 2017 Tax Budget.

Resolution No. 021-16

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO BUREAU OF WORKERS' COMPENSATION (BWC FORM U-69) TO PROVIDE WORKERS' COMPENSATION COVERAGE FOR CITY VOLUNTEERS; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to enter into a contract with the Ohio Bureau of Workers' Compensation to provide workers' compensation coverage for City volunteers.

Resolution No. 023-16

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR A PROJECT KNOWN AS 2016 MANHOLE LINING PROJECT; AUTHORIZING COMPETITIVE BIDDING IN REGARD THERETO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds over \$25,000.00 for a 2016 manhole lining project, as well as authorization for competitive bidding for the project.

ALL OF THE ABOVE SUMMARIES ARE APPROVED AS TO FORM AND CORRECTNESS BY LISA L. NAGEL, CITY LAW DIRECTOR