

RESOLUTION NO. 043-17

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE CITY OF NAPOLEON, OHIO AND THE COUNTY
COMMISSIONERS OF WOOD COUNTY, OHIO FOR THE
PURPOSE OF RESIDENTIAL CODE INSPECTION SERVICES;
AND DECLARING AN EMERGENCY**

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

Section 1. That, Contract No. 2017-18, substantially in the form as currently on file in the office of the City Finance Director, is hereby approved for execution by the City Manager for residential code inspection services to be provided as set forth within said Agreement.

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.

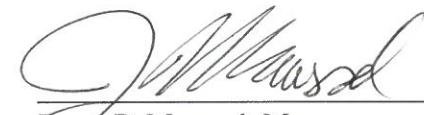
Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City must maintain revenue levels without threat of assault via legislation proposed by the Ohio General Assembly; therefore, this Resolution shall be in full force and effect immediately upon its adoption by Council.

Passed: June 19, 2017



Travis B. Sheaffer, Council President

Approved: June 19, 2017



Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Gregory J. Heath
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. 043-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of June, 2017; & 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
Gregory J. Heath, Clerk/Finance Director

**AGREEMENT BETWEEN THE COUNTY COMMISSIONERS OF WOOD
COUNTY, OHIO AND THE CITY OF NAPOLEON, OHIO**

Wood County Resolution No. _____ Dated _____

THIS AGREEMENT entered into this _____ day of _____, 20____, by and between the County Commissioners of Wood County, Ohio, acting for and on behalf of Wood County, Ohio, hereinafter referred to as "County", and the City of Napoleon, Ohio, whose offices are located at 255 w. Riverview Rd. Napoleon Ohio, herein after referred to as "Napoleon".

WITNESSETH:

WHEREAS, the City of Napoleon, Ohio desires to enforce the Residential Code of Ohio for 1, 2, and 3 Family Dwellings for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings and has adopted said code within its jurisdiction in Ordinance No. _____; and

WHEREAS, the City of Napoleon, Ohio seeks certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code to enforce the Residential Code of Ohio with the condition that the Wood County Building Department exercise the enforcement authority, approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio; and

WHEREAS, the said Board of Building Standards has certified the Wood County Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective 5/27/2007, which is willing to administer and enforce the Residential Codes within the limits of said City of Napoleon; and

WHEREAS, the City of Napoleon, has heretofore passed its Ordinance No. _____ on the _____ day of _____, 20____, authorizing the City through its Mayor and its Clerk, to enter into an agreement with Wood County Building Inspection Department for the enforcement of the Residential Code of Ohio within the limits of said City of Napoleon; and

WHEREAS, the Board of County Commissioners has on the _____ day of, _____ 20____, adopted its Resolution authorizing the County of Wood, Ohio to enter into said agreement with the City of Napoleon for the purposes aforesaid;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The City of Napoleon hereby grants to the County of Wood, Ohio authority to do all things necessary to exercise enforcement authority, accept and approve plans and specifications and make inspections necessary within the City of Napoleon in accordance with the Residential Code of Ohio pursuant to Ohio Administrative Code 4101:8-1 through 4101: 8-44. The County of Wood, Ohio accepts the authority and responsibility to carry out the terms of this agreement.
2. The County of Wood, Ohio shall have full authority to do all things necessary to administer and enforce the Residential Code of Ohio and any amendments or additions thereto hereafter adopted within the limits of the City of Napoleon and in consideration therefore, the Wood County Building Inspection Department shall retain all permit and inspection fees authorized by the State of Ohio and Wood County Commissioners for such purposes.
3. **Term of the Agreement; Termination:** The Wood County Building Inspection Department shall perform enforcement duties under this Agreement beginning on _____ and shall thereafter continue in full force and effect until,
 - 1 Either party shall give thirty (30) days written notice to the other at the addresses given above and the Ohio Board of Building Standards of its intention to terminate the agreement, which may be for any reason.
 - 2 On the effective date of any repeal of conditional certification by the Ohio Board of Building Standards.

Independent Contractor Status: It is hereby agreed by and between the parties that the relationship between Wood County and its Building Inspection Department and *City of Napoleon* shall be that of an independent contractor and that no employer-employee, or agent-principal relationship is created by this contract. The *City of Napoleon* is interested in the results achieved and the conduct and control of the work will lie solely with the Contractor.

Wood County and its Building Inspection Department is not entitled to any of the benefits *City of Napoleon* provides its employees,

4. **Hold Harmless Clause:** *City of Napoleon* hereby agrees to hold the Wood County harmless from all claims or causes of action of every kind and nature arising from the acts of Wood County, the Wood County Building Inspection Department, its agents, or employees, or representatives in the administration and enforcement of the Ohio Residential Code within the limits of said *City of Napoleon*.
- 5 **Modification of the Agreement:** Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.

- 6 **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.
- 7 **Entire Agreement:** This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, we have hereunto set our hands to this Agreement this _____ day of _____, 20____.

WITNESSES:

CITY OF NAPOLEON OHIO

Print Name: _____

Mayor

Print Name: _____

Clerk/Fiscal Officer

WITNESSES:

WOOD COUNTY BOARD OF
COMMISSIONERS

Print Name: _____

County Commissioner

Print Name: _____

County Commissioner

Print Name: _____

County Commissioner

APPROVED AS TO FORM

APPROVED AS TO FORM

City of Napoleon Legal Council

Prosecutor - Wood County

AGREEMENT

Wood County Resolution No. _____

I. PURPOSE

WHEREAS, The City of Napoleon, Ohio, has a building inspection department certified by the Board of Building Standards as provided by O.R.C. §3781.10(E); and

WHEREAS, Wood County, Ohio, also has a building inspection department certified by the Board of Building Standards; and

WHEREAS, O.R.C. §3871.10(E)(1)(c) and (E)(2)(c) permits a certified building inspection department to contract for inspection services from another certified building inspection department; and

WHEREAS, The City of Napoleon and Wood County from time to time need additional inspection services and are willing to provide the same to their respective department.

THIS AGREEMENT, as authorized by O.R.C. §3781.10(E)(1)(c) and (E)(2)(c) and by the respective legislative authority of the City of Napoleon and the Board of Commissioners of Wood County, is entered into by the City of Napoleon, (Hereinafter "NAPOLEON") and the Wood County Building Inspection Department, (hereinafter "WOOD COUNTY").

NOW, THEREFORE, the parties each in consideration of the mutual promises of the other herein, agree to the following:

II. SCOPE OF SERVICES

A. Wood County shall provide supplemental plumbing, electrical, building inspection and plan examination services by their state certified Chief Building Official, Building Inspector and Plans Examiner on an "as needed" basis.

B. The Chief Building Official, Building Inspector, Plans Examiner, when performing services shall be deemed to be doing so within the scope of his/her regular employment and shall be compensated for such services by his/her employer in accordance with the then existing terms of employment.

III. COMPENSATION

A. The City of Napoleon shall be obligated to pay for the services of the Chief Building Official and Plans Examiner as described herein at the rate of ~~\$75.00~~ per hour for actual services rendered and shall be obligated to pay for the services of the Building Inspectors at the rate of ~~\$50.00~~ per hour for actual services rendered.

B. Payment for services rendered under Section III (A) above shall be made thirty (30) days after receipt and approval of written statement showing actual services provided to the respective party.

IV. TERMS AND CONDITIONS

This agreement may be terminated by either party upon a thirty (30) day written notice.

V. MUTUAL AGREEMENTS

- A. This agreement is non-exclusive and either party may at their sole option enter into other agreements for the services described herein.
- B. Each party may, through their respective administrative procedures, designate the manner in which inspection services of the other may be requested.
- C. Each party and their personnel provided pursuant to this agreement shall be independent contractors and not an employee of the other. No employee/employer or agent/principal relationship is created by this agreement.
- D. The parties agree that if there is a challenge to a local building code provision, each party will provide for the legal representation to defend their building code.

VI. MODIFICATIONS

Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.

VII. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.

VII. ENTIRE AGREEMENT

This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, The City of Napoleon and the Wood County Commissioners have executed this agreement as set forth below, this _____ day of _____, 20____.

WITNESS:

BOARD OF WOOD COUNTY COMMISSIONERS

Print Name: _____

Doris I Herringshaw, Commissioner

Print Name: _____

Craig LaHote, Commissioner

Print Name: _____

Dr. Theodore H Bowlus, Commissioner

WITNESS:

City of Napoleon, OHIO

Print Name: _____

Mayor

Print Name: _____

Clerk _____

Print Name: _____

Title: _____

APPROVED AS TO FORM ONLY:

APPROVED AS TO FORM ONLY:

Paul Dobson, Wood Co. Pros. Atty.

City of Napoleon Solicitor

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 26th day of June 2017.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this 26th day of June, 2017

Beverly Griteman
Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$244.20
Notary Fee: \$1.50

Summary of Ordinance No.(s) 034-17;
and Resolution No.(s) 041-17, 042-17, 043-17, 044-17

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 8.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC 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 034-17
AN ORDINANCE TO APPROVE CURRENT MARCH 2017 REPLACEMENT PAGES TO THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES

In this legislation, the City of Napoleon authorized the approval of the current March 2017 replacement pages to the City's Codified Ordinances, specifically the Traffic Code and Fire Code.

Resolution 041-17
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR, ACCEPT AND ENTER INTO AN OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF NAPOLEON, OHIO FOR PLANNING, DESIGN, AND/OR CONSTRUCTION OF WASTEWATER PUMPING FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to apply for, accept, and enter into an agreement for funding for the planning, design and/or construction of the Wastewater Pumping Facilities.

Resolution 042-17
A RESOLUTION IN SUPPORT OF A SECOND RIVER BRIDGE IN AND FOR THE CITY OF NAPOLEON, OHIO

In this legislation, the City of Napoleon documented support of a second river bridge.

Resolution 043-17
A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO AND THE COUNTY COMMISSIONERS OF WOOD COUNTY, OHIO FOR THE PURPOSE OF RESIDENTIAL CODE INSPECTION SERVICES; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized an agreement between the City and Wood County for residential code inspection services.

Resolution 044-17
A RESOLUTION AUTHORIZING, CONTINGENT UPON THE PRESENTATION OF A PROPER PERFORMANCE BOND, THE EXPENDITURE OF FUNDS OVER TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF CONSTRUCTION OF A TRAINING FACILITY FOR THE CITY OF NAPOLEON, OHIO FIRE DEPARTMENT LOCATED WITHIN THE CITY OF NAPOLEON, OHIO, AND AUTHORIZING THE SOLE SOURCING OF THE PROJECT TO W.R. MEYERS CO. INC., AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SAID CONSTRUCTION; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds over twenty five thousand dollars (\$25,000.00) related to the construction of a training facility for the City Fire Department contingent upon the presentation of a proper performance bond.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director