
MEMORANDUM

TO: Mayor & Members of Council
FROM: Jon Bisher/*rd*
SUBJECT: General Information
DATE: August 17, 2012

CALENDAR

COUNCIL MEETING AGENDA - Monday, August 20, 2012 @ 7:00 pm

C. APPROVAL OF MINUTES – August 6, 2012

E. REPORTS FROM COUNCIL COMMITTEES

3. The Majority Report from the August 13th **Water/Sewer Committee** is attached.

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 056-12** an Ordinance Amending Chapter 939 of the Codified Ordinances of the City of Napoleon (Electric Rates) to establish Section 939.05 Net Metering
2. **ORDINANCE NO. 057-12** an Ordinance Amending Rule 5.4 (Special Watering) of the City of Napoleon Rules for Water and Sewer Service

H. SECOND READING OF ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 050-12** an Ordinance to Approve Current June 2012 Replacement Pages to the Napoleon Codified Ordinances
2. **ORDINANCE NO. 055-12** an Ordinance Authorizing the City Manager to Enter into an Energy Purchase Agreement Known as the “EcoSmart Choice Program” with American Municipal Power Inc.

J. GOOD OF THE CITY

1. *Recommendation for Approval of August Billing Determinants*
- ⇒ Items 2 and 3 are recommendations from the Water & Sewer Committee as reported out in E.3.
2. *Recommendation to Grant an Exception to the Owner of 804 West Washington Waiving the Tap Fee for Two (2) Years*
 3. *Recommendation to Leave the Water/Sewer Rule Regarding Shared Sanitary Taps as is*
 4. *Regarding the Nextel Contract*
 5. *Regarding Atrazine – Authority to File Proof of Claim*
 6. *Approve Plans and Specs for Sanitary Sewer Improvements from Scott Street East to VanHyning Creek.*
 - a. Enclosed is a Memorandum from Chad on this project. The plans and specs are on file with the Finance Director’s office.

7. *Regarding East Maumee Bank Stabilization*

- a. As noted on the attached Memorandum from Chad, they would like to award this project thru the State Contract.

INFORMATIONAL/RELATED ITEMS

1. **AGENDA – *Tree Commission***; Monday, August 20th at 6:00 pm
2. **CANCELLATION - *Parks & Recreation Committee***
3. **AMP Update/July 6, 2012**
4. **OML Legislative Bulletin/August 17, 2012**

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Records Retention
CM-11 - 2 Years

July 2012							August 2012							September 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29 Greg Heath - Vacation	30 5th Monday-No Scheduled Meeting Greg Heath - Vacation	31 Greg Heath - Vacation	1 Greg Heath - Vacation	2 Greg Heath - Vacation	3 BISHER - Vacation Greg Heath - Vacation	4 BISHER - Vacation Greg Heath - Vacation
5 BISHER - Vacation Greg Heath - Vacation	6 7:00 PM City COUNCIL Meeting	7	8 BISHER - Vacation	9 BISHER - Vacation	10 BISHER - Vacation Henry County Fair	11 BISHER - Vacation Henry County Fair Greg Heath - Vacation
12 6:00 PM Tomato Festival Parade BISHER - Vacation Henry County Fair Greg Heath - Vacation	13 6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting Henry County Fair Greg Heath - Vacation	14 4:30 PM Board of Zoning Appeals Mtg. Henry County Fair Greg Heath - Vacation	15 Henry County Fair AMP - Bisher Greg Heath - Vacation	16 Henry County Fair AMP - Bisher Greg Heath - Vacation	17 Greg Heath - Vacation BISHER - Vacation	18 Greg Heath - Vacation BISHER - Vacation
19 Greg Heath - Vacation BISHER - Vacation	20 6:00 PM City TREE Commission Mtg. 7:00 PM City COUNCIL Meeting	21 AMP - Bisher	22	23	24	25
26	27 6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting	28	29 VACATION - Bisher	30 VACATION - Bisher	31 VACATION - Bisher	1 VACATION - Bisher

City of Napoleon, Ohio

CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, August 20, 2012 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer**
- C. **Approval of Minutes:** August 6 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. **Citizens Communication**
- E. **Reports from Council Committees**
 - 1. **Technology & Communication Committee** did not meet on Monday, August 6 due to lack of agenda items.
 - 2. **Electric Committee** did not meet on Monday, August 13 due to lack of quorum.
 - 3. **Water, Sewer, Refuse, Recycling & Litter Committee** *(Majority Report)* met on August 13 and:
 - a. Recommended to accept the BOPA recommendation with respect to modifying Water/Sewer Rule 5.4 regarding Lawn Meter Policy
 - b. Recommended to grant an exception to the owner of 804 W. Washington waiving the tap fee for two years
 - c. Recommended a rule change in regard to water tap fees for residents who purchase a property and demolish and rebuild a house to extend a 2 year grace period on the tap fee
 - d. Recommended to leave the Water/Sewer Rule regarding shared sanitary taps as is
 - e. Discussed and tabled *Low Occupancy Bill*
 - f. Discussed and tabled *Water Treatment Plant Evaluation*
 - g. *Review of Responsibility for Sanitary Sewer Tap Repair & New Installation* remained tabled.
 - 4. **Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on Monday, August 6 due to lack of agenda items.
- F. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Board of Public Affairs** met on August 13 and:
 - a. Recommended approval of August billing determinants
 - b. Recommended approval of the proposed Net Metering Policy
 - c. *Review of Responsibility for Sanitary Sewer Tap Repair & New Installation* remained tabled.
 - 2. **Board of Zoning Appeals** met on Tuesday, August 14 with the following agenda item:
 - a. BZA 12-05 804 Park St. Variance
 - 3. **Planning Commission** did not meet on August 14 due to lack of agenda items.
 - 4. **Tree Commission** met tonight with the following agenda items:
 - a. Tree Call Report
 - b. Fall Programs
- G. **Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 056-12** An Ordinance Amending Chapter 939 of the Codified Ordinances of the City of Napoleon (Electric rates) to Establish Section 939.05 Net Metering.
 - 2. **Ordinance No. 057-12** An Ordinance Amending Rule 5.4 (Special Watering) of the City of Napoleon Rules for Water and Sewer Service
- H. **Second Readings of Ordinance and Resolutions**
 - 1. **Ordinance No. 050-12** An Ordinance to approve current June 2012 replacement pages to the Napoleon Codified Ordinances
 - 2. **Ordinance No. 055-12** An Ordinance authorizing the City Manager to enter into an energy purchase agreement known as the "EcoSmart Choice Program" with American Municipal Power, Inc.
- I. **No Third Readings of Ordinances and Resolutions**

There are no third readings of Ordinances and Resolutions.
- J. **Good of the City** *(Any other business as may properly come before Council, including but not limited to:)*
 - 1. **Discussion/Action:** Recommendation for approval of August billing determinants as follows:
Generation Charge: Residential @ \$.08010; Commercial @ \$.09363; Large Power @ \$.05565; Industrial @ \$.05565; Demand Charge Large Power @ \$9.31; Industrial @ \$9.40; JV Purchased Cost: JV2 @ \$.02280; JV5 @ \$.02280

2. **Discussion/Action:** Recommendation to grant an exception to the owner of 804 W. Washington waiving the tap fee for two years
 3. **Discussion/Action:** Recommendation to leave the Water/Sewer Rule regarding shared sanitary taps as is
 4. **Discussion/Action:** Regarding the Nextel contract
 5. **Discussion/Action:** Regarding Atrazine – authority to file Proof of Claim
 6. **Discussion/Action:** Approve plans and specs for Sanitary Sewer Improvements from Scott Street East to VanHynning Creek
 7. **Discussion/Action:** Regarding E. Maumee Bank Stabilization
- K. Executive Session** *(As needed)*
- L. Approve Payment of Bills and Approve Financial Reports** *(In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)*
- M. Adjournment**

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Tuesday, September 4, 2012 @ 8:00 PM) August meeting is canceled.

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, September 10 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- b. Electric Department Report

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, September 10 @ 7:00 PM)

- a. Water Treatment Plant Evaluation (Tabled)
- b. Review of Responsibility for Sanitary Sewer Tap Repair and New Installation (Tabled)
- c. Low Occupancy Bill (Tabled)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, September 10 @ 7:30 PM)

- a. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, September 17 @ 8:00 PM)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, August 27 @ 6:30 PM)

- a. Review of Investments (Tabled)

7. Safety & Human Resources Committee (4th Monday)

(Next Regular Meeting: Monday, August 27 @ 7:30 PM)

Next Meeting with Townships: November 26

8. Personnel Committee (As needed)

B. Items Referred or Pending In Other City Commissions and Boards

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, September 10 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Review of Responsibility for Sanitary Sewer Tap Repair and New Installation (Tabled)

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, September 11 @ 4:30 PM)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, September 11 @ 5:00 PM)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, September 17 @ 6:00 PM)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, August 28 @ 4:30 PM)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, August 29 @ 6:30 PM)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, November 13 @ 10:30 AM)

8. Records Retention Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 11 @ 4:00 PM)

9. Housing Council (1st Monday of the month after the TIRC meeting)

(Next Meeting: Monday, May 6, 2013? @ 6:30 PM)

10. Health Care Cost Committee (As needed)

11. Preservation Commission (As needed)

12. Infrastructure/Economic Development Fund Review Committee (As needed)

13. Tax Incentive Review Council (As needed)

14. Volunteer Firefighters' Dependents Fund Board (As needed)

15. Lodge Tax Advisory & Control Board (As needed)

16. Board of Building Appeals (As needed)

17. ADA Compliance Board (As needed)

18. NCTV Advisory Board (As needed)

Water, Sewer, Refuse, Recycling & Litter Committee

Majority Report

The Water, Sewer, Refuse, Recycling & Litter Committee met on Monday, August 13, 2012, and:

- a.** Recommended to accept the BOPA recommendation with respect to modifying Water/Sewer Rule 5.4 regarding Lawn Meter Policy
- b.** Recommended to grant an exception to the owner of 804 W. Washington waiving the tap fee for two years
- c.** Recommended a rule change in regard to water tap fees for residents who purchase a property and demolish and rebuild a house to extend a 2 year grace period on the tap fee
- d.** Recommended to leave the Water/Sewer Rule regarding shared sanitary taps as is
- e.** Discussed and tabled *Low Occupancy Bill*
- f.** Discussed and tabled Water Treatment Plant Evaluation
- g.** *Review of Responsibility for Sanitary Sewer Tap Repair & New Installation* remained tabled.

Jeffrey Lankenau, Chair

James Hershberger, Committee

Christopher Ridley, Committee

ORDINANCE NO. 056-12

AN ORDINANCE AMENDING CHAPTER 939 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON (ELECTRIC RATES) TO ESTABLISH SECTION 939.05 NET METERING.

WHEREAS, the City of Napoleon ("City") operates a municipal electric utility system; and,

WHEREAS, the City desires to offer its qualifying consumers a per kWh credit for solar power energy supplied back to the City's electric utility system; and, now therefore,

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

Section 1. That, Chapter 939 "Electric Rates" of the Codified Ordinances of the City of Napoleon, is hereby amended and enacted as follows:

"939.05 NET METERING

(A) **Net Metering.** Net Metering means measuring the difference between the electricity supplied over the electric distribution system (power grid) and the electricity generated by the consumer's solar power system which is fed back into the electric distribution system over a specific billing period.

(B) **Availability of Service.** Net Metering is available to qualifying consumers on a first come, first served basis, who own and operate qualifying consumer-generator facilities designed to operate in parallel with the City's Electric System. The City Manager reserves the right to deny any consumer, for any reason, the ability to enter into a net metering agreement with the City.

(C) **Conditions of Service.**

1. A qualifying consumer is one whose generating facility complies with all the following requirements:

- a. Is fueled by solar power not to exceed seventy five percent (75%) of consumer's personal usage load;
- b. Is owned and operated by the consumer and is located on the consumer-generator's premises;
- c. Is designed and installed to operate in parallel with the City's Electric System without adversely affecting the operation of equipment and service of the City and its consumers and without presenting safety hazards to City and consumer personnel; and

d. Is intended primarily to offset part or all of the consumer-generator's electricity needs.

2. The consumer's generating equipment shall be installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code. All equipment and installations shall comply with all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratories.

3. An application for interconnection with the City's distribution system must be made by the consumer or the consumer's authorized representative. The interconnection permit must provide at least the following information regarding the consumer-generator's facility: Inverter type, size, certification, and manufacturer's specifications including details about circuit protective devices; generation facility certifications; the installing electrician name, address, and phone number; and proof of inspection and approval from the appropriate City inspector(s).

(D) **Metering.** Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction. If the existing electrical meter installed at the consumer's facility is not capable of measuring the flow of electricity in two directions, the consumer shall be responsible for all expenses for the purchase and installation of an appropriate meter with such capability. The City may, at the consumer's or the city's expense and with written consent of the consumer, install one or more additional meters to monitor the flow of electricity.

(E) **Rate.** At the end of the billing period a calculation will be made to determine the difference, if any, between the amount of kWh supplied to the consumer from the city's system and the amount of kWh supplied to the city's system from the consumer.

1. **Credit:** If the consumer generator's facility feeds more kWh of electricity back to the City's system than the City supplies to the consumer, at the same site, during the billing period, then fifty percent (50%) of the excess kWh will be given as a kWh credit for the beginning of the next billing period for the same site. At no time will the consumer be entitled to, nor compensated for, any monetary payout of the excess electricity fed back to the city's system.
2. **Billing Period:** The billing period is January 1st through either December 31st of each calendar year or the last day of the month in which the consumer ceases operation of the net metering agreement, whichever comes first.

3. For Example: At the end of the billing period it was determined that consumer X's solar system delivered to the City's system 100 kWh, then consumer X would receive a credit of 50 kWh for that same site.

(F) **Special Terms and Conditions.**

1. Each consumer under a net meter system must carry a minimum of \$100,000.00 in liability insurance naming the City as an additional insured.
2. The consumer-generator must install and maintain a manual disconnect switch that will disconnect the net metering facility from the Napoleon Utilities electric system. The disconnect switch must be a lockable, load-break switch that plainly indicates whether it is in the open or closed position. The disconnect switch must be readily accessible to Napoleon Utility personnel at all times and located within 10 feet of the meter. The disconnect switch may be located more than 10 feet from the billing meter provided that permanent instructions are posted at the meter indicating the precise location of the disconnect switch. This information must be indicated on the application form and approved by the Utility.

(G) **Additional Charges.** The consumer shall pay any additional charges, as determined by the City, for equipment, labor, metering, testing or inspections that are requested by the consumer or needed by the City.

(H) **Length of Term.** Contracts under this schedule shall be made for a period of not less than one year.”

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: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ 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 Ordinance No. 056-12 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.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 057-12

**AN ORDINANCE AMENDING RULE 5.4 (SPECIAL WATERING)
OF THE CITY OF NAPOLEON RULES FOR WATER AND
SEWER SERVICE.**

WHEREAS, the City of Napoleon ("City") operates its own sewer and water system; and,

WHEREAS, the City desires to offer its customers a "green energy" choice in electric power sources; and, now therefore,

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

Section 1. That, Rule 5.4 "Special Watering" of the City of Napoleon Rules for Water and Sewer Service, is hereby amended and enacted as follows:

"Rule 5.4 Special Watering

For summer watering of grass or the like, hose meters will be issued for a maximum period of ninety (90) days upon payment of a deposit as determined by the City Utility Department. Meters are limited; therefore, meters will only be issued to people watering a new yard, or newly planted trees, shrubs or the like, or filling swimming pools or the like, and will be distributed on a first come first serve basis.

DURING PROLONGED DROUGHT CONDITIONS, AND AT THE CITY MANAGER'S DISCRETION, HOSE METERS WILL BE AVAILABLE TO CUSTOMERS DOING SUMMER WATERING OF GRASS, TREES, SHRUBS OR THE LIKE FOR A MAXIMUM OF THIRTY (30) DAYS. When filling swimming pools or the like, the maximum period of time for hose meter use will be seventy-two (72) hours. The fee for using a hose meter shall be as contained in Rule 32, pro rated to the nearest day."

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: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ 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 Ordinance No. 057-12 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.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 050-12

AN ORDINANCE TO APPROVE CURRENT JUNE 2012 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; **THEREFORE**,

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

Section 1. That, the ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the June 2012 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Fire Prevention Code

1511.05 Open Burning; Recreational Fires; Portable Outdoor Fireplaces.
(Amended)

Section 3. That, the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. 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 5. 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 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 055-12

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENERGY PURCHASE AGREEMENT KNOWN AS THE "ECOSMART CHOICE PROGRAM" WITH AMERICAN MUNICIPAL POWER, INC AND ESTABLISHING 939.04 OF THE ELECTRIC RATES TO SET THE RATES FOR THE "ECOSMART CHOICE PROGRAM"

WHEREAS, the City of Napoleon ("City") operates a municipal electric utility system; and,

WHEREAS, American Municipal Power, Inc. ("AMP") is an Ohio nonprofit corporation that functions as a wholesale power supplier and services provider for certain member municipalities, including the City, that operate electric systems ("Members"); and,

WHEREAS, the City desires to offer its electric customers a "green energy" choice in electric power sources; and,

WHEREAS, AMP has developed a green energy program names EcoSmart Choice® ("EcoSmart Choice Program") that provides for the sale of green energy electricity products, including energy generated from hydroelectric, wind and landfill gas facilities, to certain consumers within Member communities, including City of Napoleon; and,

WHEREAS, the City desires to participate, and AMP desires that the City participate in the EcoSmart Choice Program, on terms and conditions as generally set forth in a participating member agreement between AMP and the City ("Participating Member Agreement"), on file with the Clerk; and, now therefore,

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

Section 1. That, the City Manager is hereby authorized to enter into a Participating Member Agreement between AMP and the City under which the City will purchase from AMP and resell to participating customers such energy from renewable energy sources as is indicated by the rate of customer participation, and otherwise participate in the EcoSmart Choice Program, substantially in the form as is set forth in the Participating Member Agreement.

Section 2. That, Chapter 939 "Electric Rates" of the Codified Ordinances of the City of Napoleon, is hereby amended and enacted as follows:

"939.04 ECOSMART CHOICE PROGRAM

Any electric customer of the City may choose to enroll in the EcoSmart Choice Program. The EcoSmart Choice Program allows customers to offset a portion of their electricity purchases with renewable energy certificates (RECs). The customer will have an increase in electric rates of \$0.005 per kWh (base price) plus \$0.002 per kWh (to be retained by the City) for a total of \$0.007 per kWh. The customer can have participation levels ("usage breaks") of 50% (fifty percent) and 100% (one hundred percent)."

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: _____

Glenn A. Miller, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ 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 Ordinance No. 055-12 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.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., City Engineer
cc: Mayor & City Council
Greg Heath, City Finance Director
Date: August 20, 2012
Subject: Sanitary Sewer Improvements from Scott Street East to VanHyning Creek

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the Sanitary Sewer Improvements from Scott Street East to VanHyning Creek. This project consists of constructing a ten inch (10") sanitary sewer from Scott Street to the VanHyning Interceptor sewer. The construction of this new sanitary sewer will allow for the abandonment of the Holiday Inn Pump Station (included as part of this project).

Engineer's Estimate of Construction: \$175,000.00.

Budgeted amount for this project is \$175,000.00.

CEL



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Greg Heath, Finance Director
Date: August 20, 2012
Subject: E. Maumee Bank Stabilization
State Bid Contract

In 2011 the City of Napoleon's Engineering Department became aware of erosion issues on the Maumee River side of E. Maumee Avenue (S.R. 110). After investigating the issue, it was determined that the roadway would need to be relocated. However, because of the lead time required to prepare plans for the relocation, portions of the river bank would need to be stabilized as soon as possible.

In the past the Engineering Department has worked with Soil Nail Launcher, Inc. to stabilize the river bank. After contacting a representative from Soil Nail Launcher, Inc, it was noted that they are listed on the State Cooperative Agreement Contract. With this in mind, we proceeded to get a proposal from them to perform the necessary work to stabilize the bank.

The proposal to perform the necessary work is \$108,300.00. The budget for this project is \$125,000.00. A portion of the remaining budget will be used to prep the site. **I request that Council award this project to Soil Nail Launcher, Inc. in the amount of \$108,300.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL

City of Napoleon, Ohio

TREE COMMISSION

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

Meeting Agenda

Monday, August 20, 2012 at 6:00 PM

- I. **Approval of Minutes** (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. **Tree Call Report**
- III. **Fall Programs**
- IV. **Any Other Matters to Come before the Commission**

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
TREE COMMISSION

Meeting Minutes
Monday, June 18, 2012 at 6:00 PM

PRESENT	
Commission	David Volkman - Chair, Bill Rohrs, Ron Bahler, Kirk Etzler, Patrick McColley
City Staff	Marty Crossland
Recorder	Barbara Nelson
ABSENT	
Members	John Eddy
Call To Order	Chairman Volkman called the meeting to order at 6:08 PM.
Approval Of Minutes	Crossland noted that in the May 21 meeting minutes under <i>Tree Call</i> , the Kentucky Coffeetree was replaced this spring, not last summer. Minutes from the May 21 meeting stand approved as amended.
Tree Call Report	<p>1400 Sedward Ave – We have replaced this red maple tree three times since Crossland has been here. The other trees in the yard are fine and the soil looks good. We will try a hardier species. The homeowner said it’s okay if we can’t plant there. Volkman said we may need a soil sample in case there is a serious deficiency.</p> <p>717 First St. – Homeowner would like two silver maples removed in the right of way. We may do it this fall or next spring.</p> <p>538 Beckham – Homeowner asked if trees in the grass alley can be removed. It is dropping limbs and leaves in his pool. There is no easy entrance closer to Appian due to the apartment buildings. We will have to plan it out.</p> <p>1115 Oakwood – A smaller tree is half dead. There could have been a problem with the sidewalk. It was pruned too much and it killed the rest of the tree.</p> <p>Someone called about a tree in their side yard, but it’s their neighbor’s and we can’t help.</p> <p>Removals will either be this fall or next spring</p>
Spring Programs	All spring programs are complete. We received a bill from Saylor for removing 50 trees at the golf course. Tony Cotter, Parks & Recreation Director, helped pay for part of that bill. It came to \$23,000 instead of \$5,000-6,000. We will still have programs in the fall with the \$12,700 that is left. We originally bid out the ash trees at the course that were in the middle of play between holes. Crossland knew 1 or 2 were added including a big sycamore. Mike had 4-5 to add and it snowballed from there.
Fall Programs	There will be planting, trimming and removals in the fall program. There will be more planting than removals. We are replanting 6-7 trees on Stevenson St. and the last of Clinton, Leonard, Haley & High Streets. There are a handful of trees from the ash grant that died and will be replaced. The trimming will include training of the smaller trees on Washington St. and Stout St. There are 2-3 contractors within 80 miles of here that are ISA certified for that.

Memorandum

To: Parks & Recreation Committee, Council, Mayor, City Manager, City Law
Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 8/13/2012

Re: Parks & Recreation Committee Meeting Cancellation

The Parks & Recreation Committee meeting, which was scheduled for Monday, August 20 at 8:00 PM, has been canceled due to lack of agenda items.



Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

August 10, 2012



Photo courtesy of West Virginia University
Marc Gerken and forum participants meet Monday for "A Forum Look at America's Energy Roadmap to 2050."

Gerken participates in WVU energy forum

By Jolene Thompson – senior vice president/OMEA executive director

AMP President/CEO Marc Gerken was one of a number of energy executives, and other industry, labor, environmental leaders and experts from around the region who participated in an energy forum held Aug. 6 at West Virginia University. A Forum Look at America's Energy Roadmap to 2050 was hosted by Congressman David McKinley (R-WV) and included Senator Joe Manchin (D-WV) and WVU President Jim Clements.

The forum, which was open to the public, was designed to discuss the future of America's energy policy and centered on topics such as the need for a national energy policy, and what elements that policy should include; the future role of fossil fuels; carbon capture, sequestration and utilization; federal support to stimulate public private partnerships in energy research; and non-conventional uses of natural gas and coal-to-liquid technology.

Other participants included FirstEnergy CEO Tony Alexander, National Research Center for Coal and Energy Director Dr. Richard Bajura, CONSOL Energy CEO Brett Harvey, National Energy Technology Laboratory Director Dr. Anthony Cugini, as well as senior executives from AEP, Dominion Virginia Power, Chesapeake Energy, American Gas Association, Exxon Mobil, United Mine Workers and National Resources Defense Council.

In his remarks, Gerken emphasized the need for a national energy policy that includes an "all-of-the-above" strategy creating a balanced portfolio, stressing the need for energy efficiency to be a part of that strategy. He also spoke to the need for a coordinated regulatory process to support development efforts such as AMP's hydroelectric projects.

The forum was organized by Congressman McKinley, who serves on the House Energy and Commerce Committee.

Six complete Advanced lineworker training class

By Bob Rumbaugh – energy services consultant

Six employees from four member communities completed AMP's Advanced lineworker training course on Friday, Aug. 10. The week-long program consisted of classroom work including safety and advanced transformer training.

The program also featured hands-on sessions including simulated-energized work, conductor and transformer installation, working off of the insulated platform and protective grounding.

Four spots are still open in the Basic 2 course set for the week of Sept. 10. For more information contact Michelle Palmer at 614.540.0924 or mpalmer@amppartners.org.



Participants of the Advanced course included (from left): Gary Shultz, instructor; Roger Dean, instructor; Benjamin Palazzi of Grafton; Nathan Schnarr and John Jones of Wapakoneta; David Kalinowski of Hudson; Mark Brown of Ellwood City; and Bob Rumbaugh, instructor.



News or Ads?

Call Krista Selvage at 614.540.6407 or email to kbselvage@amppartners.org if you would like to pass along news or ads.

PJM posts results for 2013-14 2nd Incremental Auction on July 27

By Timothy Walton – transmission affairs specialist

PJM posted the cleared auction results July 27 for the 2013-14 2nd Incremental Capacity Auction.

The PJM RTO footprint clearing price was \$7.01/MW-day (\$0.21/kW-month) and the MAAC Locational Deliverability Area (LDA) clearing price was \$10.00/MW-day (\$0.30/kW-month).

The AMP member zones that are located in the MAAC LDA are PPL, Penelec and Met-Ed. In comparison, the 2013-14 Base Residual Auction cleared at \$27.73/MW-day (\$0.84/kW-month) for the RTO and \$226.15/MW-day (\$6.88/kW-month) for MAAC.

The 2013-14 1st Incremental auction clearing price for both the RTO and MAAC LDA was \$20.00/MW-day (\$0.61/kW-month).

Due to the low clearing prices none of AMP's Demand Response offers cleared in the 2013-14 2nd Incremental Auction. If any DR participants have any questions please send me an email at twalton@amppartners.org or call me at 614.540.6418.

AMP DR participants prepare for 2014-15 1st Incremental Auction

By Timothy Walton

The PJM 2014-15 1st Incremental Auction will take place Sept. 10-14. AMP will be sending out recommendations and Schedule of Interruptible Load for Reliability (SILRs) to all Demand Response (DR) participants that have not already cleared DR in the initial 2014-15 Base Residual Auction.

AMP members with new and existing DR that would like to offer their DR in the 2014-15 1st Incremental Auction must have a signed 2014-15 SILR sent back to AMP by the end of the day Aug. 31.

For a copy of the recommendation, the 2014-15 SILR and any questions members may have, please contact me at twalton@amppartners.org or 614.540.6418.

AMP files comments on EPA's latest RICE NESHAP proposal

By Julia Blankenship – manager of energy policy and sustainability

On Aug. 9, AMP filed comments with the U.S. Environmental Protection Agency (EPA) on the agency's latest proposed amendments to establish National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain reciprocating internal combustion engines (RICE units).

While generally supporting EPA's proposed amendments to increase the number of hours for emergency demand response and allow limited peak shaving, AMP also requested additional compliance time, an easing of the penalty for exceedances, and sought clarification from EPA on several technical issues.

A number of AMP members have also filed their own comments on this complicated rulemaking. A copy of AMP's filed comments is available on [AMP's website](#) and is also accessible through the Member Extranet.

If you have any questions, please contact me at 614.540.0840 or jblankenship@amppartners.org.

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

Week ending Aug. 10

MON	TUE	WED	THU	FRI
\$41.00	\$37.50	\$41.00	\$30.75	\$30.25

Week ending Aug. 3

MON	TUE	WED	THU	FRI
\$42.00	\$44.25	\$41.75	\$51.00	\$58.00

AEP/Dayton 2012 5x16 price as of Aug. 10 — \$40.60

AEP/Dayton 2012 5x16 price as of Aug. 3 — \$39.89

Member communities go for gold

By Krista Selvage – manager of publications

AMP member communities have been well represented on the world stage at the London 2012 Summer Olympics.



Erik Kynard, 21, of Toledo, Ohio, won the silver medal in high jump for the United States, Tuesday, at 2.33 meters.

In archery, Jacob Wukie, 26, of Oak Harbor, Ohio, won a silver medal as a member of the three-man U.S. men's archery team last week.

Perkasie, Pennsylvania, sisters Julia, 21, and Katie Reinprecht, 22, are members of the U.S. women's field hockey team. The team upset No. 2 ranked Argentina for a win, but was defeated by Australia Aug. 2.

Katie Bell, 24, of Columbus, Ohio, is a diver in the women's 10m platform. Bell finished ninth in the preliminary round, but narrowly missed final qualifications by placing 16th in the semifinal.

Justin Lester, 28, of Cuyahoga Falls, Ohio, is a member of the U.S. Greco-Roman wrestling team. He won his first match, but was later defeated by Germany.

Terrell Gausha, 24, of Cleveland, Ohio, competed in boxing. Middleweight Gausha made history by scoring the first knockout of the 2012 Olympics, winning his first bout, but was defeated just one round shy of the quarter-finals.

Tervel Dlagnev, 26, who lives and trains in Columbus, is slated to compete Aug. 11 in Men's 120kg Freestyle wrestling.

Congratulations to these athletes and all those who are participating in the games.

Calendar

Aug. 22—AMP Organization and Project Update Dinner
Crowne Plaza Hotel, Columbus

Sept. 5—Safety subcommittee meeting
AMP Headquarters, Columbus

Sept. 6—AMP finance and accounting subcommittee meeting
Fort Piqua Plaza Banquet Center, Piqua

Oct. 7-13—Public Power Week activities in member communities

Oct. 22-25—AMP/OMEA Conference
InterContinental Hotel, Cleveland

Nov. 29—AMP finance and accounting subcommittee meeting
AMP Headquarters, Columbus

Customer solar, wind generation webinar to be offered next week

By Michael Spaeth – alternative generation intern

AMP is offering a webinar that will provide information on customer solar and wind generation.

Small solar and wind generation systems are becoming more common due to advances in technology and interest in renewable energy. The webinar will discuss the ways these resources are being marketed to consumers in AMP member communities, and review the options that are available to consumers who may be considering an alter-

native generation system.

The webinar will give an overview of the customer solar and wind markets, the options a customer has for purchasing or financing a system and what products are widely available.

The one-hour webinar will take place at 10 a.m. Friday, Aug. 17. Each attendee will need a phone line and a computer with an Internet connection.

To RSVP for this webinar, please contact Alice Walker at 614.540.6389 or awalker@amppartners.org or me at 614.540.6410, mspaeth@amppartners.org.

AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

After last week's outage, the plant returned to its high production numbers with load factors for the week averaging 78 percent.

This high load factor was the result of the plant never being dispatched off-line through the entire week. Duct burners also had a strong week as they were operated 47 percent of the hours.

On-Peak market prices remained the same as last week with AFEC dispatch cost remaining well below market cost (\$16 below for base and \$10 below for duct).

July Operations Statistics				
	Fremont Output	Belleville Output	JV6 Wind Output	Avg. A/D Hub On-Peak Rate
July 2012	76%	45%	10%	\$52.37 /MWh
July 2011	N/A	69%	7%	\$63.71 /MWh

*Fremont load factor based on 675 MW rating

Energy markets close higher

By Craig Kleinhenz

The super-hot weather has left much of the region, being replaced with temperatures that are still warmer than normal.

A much smaller than expected amount of natural gas was put into storage this week, which caused a jump in both power and natural gas prices. September natural gas prices increased this week to finish trading up \$0.03 / MMBtu to end at \$2.95 / MMBtu.

Next year's power prices reacted more strongly to the hot summer and storage news. 2013 on-peak electric prices at AD Hub finished yesterday up \$0.71 / MWh from last week, closing yesterday at \$40.60 / MWh.

Finance and accounting meeting held in Johnstown, PA

By J.C. Speiser – member credit and compliance analyst

The finance and accounting meeting was held Thursday in Johnstown, Pennsylvania.

Following a continental breakfast and time for networking, Dawn Lund, vice president of Utility Financial Solutions, led a discussion on the importance of implementing a cash reserve policy followed by a question and answer session. Next, Jim Moore, principal of Kensington Capital Advisors and AMP derivatives advisor, gave an overview of the fundamentals of interest rates and markets.

Following Moore, Tom Handley, AMP marketing representative, updated members on the operation of AFEC as well as the upcoming solar project. Rounding out the morning, Chris Deeter, senior director member credit compliance, discussed the AMP Fremont Energy Center (AFEC) qualified service area questionnaire sent to member participants and discussed the project's permanent financing completed in June.

After lunch, I updated members on the recent changes to AMP's credit scoring program. Tom Sillasen, director of energy accounting and reporting, wrapped up the meeting with a presentation on the AMP billing

procedure and electronic payment methods.

The next finance and accounting meeting will be held Sept. 6 in Piqua. If you have any questions, you can reach me at 614.540.0967 or jspeiser@amppartners.org.



Tom Handley, AMP marketing representative, updated members on the operation of AFEC as well as the upcoming solar project at the finance and accounting meeting held Thursday in Johnstown.

Hometown Connections partners with ElectSolve

By Eric Lloyd – director of marketing/member relations

Hometown Connections and one of their many strategic partners, ElectSolve, have joined forces to help electric, gas and water utilities maximize the return on their technology investments. By jointly marketing meter data management (MDM) services and integrating utility data collected from several information sources, including AMR/AMI, SCADA, CIS, OMS, Demand Response, and distribution line loss management systems, they are enabling utility systems to communicate more successfully.

“Utilities have plenty of data. Unfortunately, most of the data is hidden away in disparate databases and silos where it is not easily accessible or reportable,” said Mark Ponder, owner and CEO of ElectSolve Technology Solutions and Services.

According to Ponder, utilities need to change how they leverage the data they have now and plan for the new data streams they anticipate having in the future in order to maximize customer service and operational performance.

“We are pleased to partner with Hometown Connections to deliver to public power a core MDM system that offers all the traditional MDM functions and goes beyond by incorporating any field endpoint or operational system to include IEDs and AMI Meters, SCADA history, CIS, and Outage Management Systems,” said Ponder.

For the complete article, please follow [this link](#) to Hometown Connections.

RSVP for Project Update Dinner

By Michael Beirne – assistant vice president of government affairs and publications

There’s still time to RSVP for the Aug. 22 AMP Organization and Project Update Dinner. Members, MEPs and consultants are invited to the dinner where members of the AMP executive management team will provide an update on the strategic direction of the organization, as well as AMP projects under development.

The dinner will be held at the Crowne Plaza Hotel Columbus North (614.885.1885) and begins at 7 p.m., with a reception starting at 6 p.m. We have also secured a block of rooms at the hotel with a discounted rate of \$88 per night, which includes breakfast. Use the code “American Municipal Power” when making reservations.

To RSVP for the dinner, please contact Lisa Schultz at 614.540.1032 or lschultz@amppartners.org.

Hydro photos updated

Updated construction photos of the hydro projects are now posted on the [AMP website](#).

These images are updated monthly to illustrate the progress of project construction in chronological order. New project pictures from July have been added to website’s hydro project pages.

Subscribers of AMP Alerts will receive notifications when these and other categories are updated on AMP’s website. To subscribe, visit the website and choose the “subscribe” link in the top right corner of the home page.

Update Classifieds

City of Painesville looks to fill electric distribution positions

The City of Painesville, Ohio, a public power community located 30 miles east of Cleveland, has two openings for an electric distribution worker I (first class lineman).

This position requires considerable knowledge of advanced electrical work in installation, maintenance and repair of distribution lines and related components of the municipal electrical distribution system.

High school diploma or GED supplemented by training courses covering electricity, meters, oil circuit breakers, transformers and related equipment is required. Valid commercial driver’s license required.

Submit application or resume to HR Dept., City of Painesville, 7 Richmond St., PO Box 601 Painesville, OH 44077-0601 or via email to hr@painesville.com. EOE Position is open until filled.

Columbus seeks Engineer IV

The City of Columbus Department of Public Utilities is seeking qualified candidates for the position of Engineer IV for the Division of Power and Water.

This position is responsible for directing the activities of the Power Engineering Section which includes the planning, design, review and construction of street lighting and power distribution projects. Position will also prepare data for the Capital Improvement and Operating budgets.

High-level experience in Electrical Engineering, municipal utility, and management of professional engineering staff preferred. Applicants must possess a valid State of Ohio certificate as a registered Professional Engineer and five years of experience as a Professional Engineer in responsible charge of engineering work, two years of which must have been supervisory over Professional Engineers or multiple major engineering projects. Substitutions: Ten years of practical engineering experience, which includes three years as a Professional Engineer and two years of experience supervising professional engineers.

Salary \$70,782 - \$106,163.00. Send resumes by Aug. 15, 2012 to: Krista McGee, Department of Public Utilities, 910 Dublin Road– Room 4150, Columbus , OH 43215, or fax them to 614.645.0500, or e-mail to kkmcgee@Columbus.gov. Telephone: 614.645.5883. Pre-employment medical/drug screen and background investigation required, if selected. EOE

American Municipal Power

1111 Schrock Road,

Columbus, Ohio 43229

614.540.1111 ● FAX 614.540.1113

www.amppartners.org

Ohio Municipal League Legislative Bulletin

From: "Ohio Municipal League" <ajooos@omloho.org>
To: jbisher@napoleonohio.com

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Legislative Bulletin

Ohio Municipal League August 17, 2012

SHARONVILLE & CHAIRMAN BECK HOST SECOND MUNICIPAL INCOME TAX UNIFORMITY INTERESTED PARTY MEETING

Chairman Peter Beck (R-Mason) held a second interested party meeting last Wednesday at the Sharonville Convention Center, to further solicit comment and input from municipalities, business leaders and other stakeholders who may be affected by changes being considered to the way our municipalities administer their local income tax. We want to thank the Hamilton County Municipal League (HCML), with assistance from the Southwestern Ohio Tax Administrators Association (SWOTAA) and Sharonville Mayor Virgil Lovitt II for organizing the event and for sponsoring the luncheon, which was part of the meeting. We also want to thank Chairman Beck for making time in his busy schedule to hold these critical meetings "in the field" and for Reps. Mike Henne (R-Clayton) and Joe Uecker (R-Loveland) for attending the meeting and hearing first hand from our concerned local officials.

The meeting was attended by over 100 municipal officials from across Southwestern Ohio along with representatives from the OSCPAs and the Ohio Chamber of Commerce. Although there were a number of specific areas of non-uniformity covered in the sometimes free-wheeling discussions such as suggested changes to the current 12 day occasional entrant rule, treatment of stock options and S-corps and Net Operating Loss Carry-Forward requirements, the topic of why some members of the legislature feel it is important to make these changes was widely discussed as well as what it will mean to future economic development opportunities statewide if municipal revenues continue to be compromised.

A third interested party meeting has been scheduled for Wednesday, September 5 at Cleveland State University Student Center, 2121 Euclid Avenue, Cleveland, in room #311, from 10am to 2pm. Chairman Beck is asking that in order for his office to get a close idea of how many people will be attending the meeting, that if you plan on attending to please confirm your attendance with his Legislative Aide Lindsey Queen at Lindsey.Queen@ohr.state.oh.us.

OHIO BUDGET PROJECTIONS REFLECT ROBUST REVENUES

Governor Kasich along with Ohio Budget and Management (OBM) officials released the most current revised budget projections last week, detailing higher than expected revenues generated by tax receipts and other "budget enhancers". The State is forecasting that budget coffers will finish fiscal year 2013 with a surplus of \$552 million in revenue dollars which is \$408 million

greater than what was forecasted as part of HB 153, the last biennial budget.

In addition to the half a billion dollar surplus expected to be generated by the State, there remains the \$500 million in legal limbo which the Governor has planned to shift from liquor sales revenue to fund the newly created JobsOhio program.

Lastly, Governor Kasich and OBM officials reminded us that the State's "rainy day fund" has been replenished to \$482 million in reserves. OBM budget Director Tim Keen describes the State as being in "reasonably good fiscal condition". For further information including the complete fiscal reports can be found on the Office of Budget and Management (OBM) website www.obm.ohio.gov.

LEGISLATION INTRODUCED EFFECTING LOCAL GOVERNMENTS

Although members of the Ohio Legislature are back in their home districts enjoying the summer and gearing-up for the remaining work left in the 129th General Assembly when they return after the November elections (also known as the lame duck session), there have been a number of bills introduced recently which would affect local governments and municipalities, in particular. The most recent bill introduction comes from Sen. Bill Seitz (R-Cincinnati) who has presented SB 364 for the legislature's consideration. The legislation would change the statewide default distribution formula for local government funding (LGF) by establishing in statute the distribution formula currently used by Franklin County as the formula for determining how Local Government Fund dollars are distributed to political subdivisions within a county. If the bill is adopted and the Franklin County model were to be employed by other counties, the projected result would be a \$22 million dollar shift in funds used by counties to cities, villages, townships and park districts. Although the current Franklin County distribution formula would replace the existing statutory formula, jurisdictions would still be permitted to establish their own alternative formula. The concept was first included in the Ohio Senate's version of the last biennial budget, HB153, but it was removed from the final version.

In addition to Sen. Seitz's proposal, HB 580 has recently been introduced by Reps. Courtney Combs (R-Hamilton) and Matt Lynch (R-Bainbridge Twp.) which would give local law enforcement agencies more ability to check the status of suspected illegal immigrants who may be part of a traffic stop; SB 354 introduced by Sen. Coley (R-West Chester) which would modify the call before you dig notification system; SB 356 introduced by Sen. Burke (R-Marysville) which would make the auditor of state adopt rules to solicit comparative data from local governments and school districts and provide the information to the public; SB 358, legislation introduced by Sen. Schaffer (R-Lancaster) that would require a court clerk to provide written notice to law enforcement in a location in which a person is accused of a violent offense will reside as a condition of bail under certain circumstances and lastly, SB 363 introduced by Sen. Turner (D-Cleveland) which would permit for a limited time abatement of unpaid property taxes, penalties and interest owed to a property owner by a municipality that would have been tax exempt, except for a failure to comply with certain tax-exemption procedures. We will be sure to keep our members apprised of other bill introductions affecting their communities.

LOCAL GOVERNMENT INNOVATION FUND ROUND 3 APPLICATIONS NOW AVAILABLE

The Ohio Department of Development's Office of Redevelopment has announced that the Round 3 Local Government Innovation Fund Program Application is now available on the website, <http://development.ohio.gov/Urban/LGIF.htm>. The application form can be downloaded under "Program Materials" which is located on the right-hand side of the site. Also, a new online submission form is available. Once the application is completed, use the online submission form to upload the application and supporting documents. Supporting materials should be combined into one document for submission. Applicants are required to submit both an application AND the online submission form.

All applications are due by Tuesday, September 4th, 5:00pm to the Office of Redevelopment. If you need additional assistance for have specific questions, you can contact Nicole Bent with the Office of Redevelopment at (614)995-2292 or by email at lgif@development.ohio.gov.

DECLARATION OF MATERIAL ASSISTANCE/NON-ASSISTANCE (DMA) LAW REPEALED

The Ohio Department of Public Safety has announced the repeal of The Declaration of Material Assistance/Non-assistance DMA law, which required a questionnaire to be completed by certain licensees, government contractors, and candidates for public employment to certify that they have not aided or provided "material assistance" to a terrorist organization.

The DMA form law was removed in the recently passed H.B. 487 and will take effect on September 10, 2012. After Sept 10th political subdivisions should not distribute or require anyone to comply with the DMA law. If you would like more information concerning this change you can find that [HERE](#) as well as on the Ohio Municipal League website.

OEPA/OHIO SOLID WASTE MANAGEMENT REVIEW PHASE II MEETING RECORDING/PRESENTATIONS AVAILABLE

The Ohio Environmental Protection Agency (OEPA) Division of Materials and Solid Waste has alerted us that the July 30th Phase II Kickoff meeting was recorded and is available for review by those who may not have been able to attend or for those that would like to refresh their memories on what was discussed. The recording is available through the OEPA website at www.oepa.state.oh.us. The Solid Waste Management Review link is located at the bottom left side of the OEPA homepage. In addition to the recording, notes were taken by the facilitators detailing the discussion points and are currently being uploaded to the Phase II webpage. OEPA has announced that Phase II issue meetings will be scheduled for September and we will be sure to pass along these details once the dates and locations are confirmed.

LEGISLATIVE COMMITTEE SCHEDULE FOR THE WEEK OF AUGUST 19, 2012

Tuesday, August 21, 2012

HOUSE HEALTH AND AGING RETIREMENT AND PENSIONS
SUBCOMMITTEE

Rep. Schuring: 614-752-
2438

Tue., Aug. 21, 2012, 6:00 PM, Hearing Room 121

SB340 OHIO POLICE AND FIRE PENSION FUND (NIEHAUS T) To revise the law governing the Ohio Police and Fire Pension Fund.

Third Hearing, All Testimony

SB343 PUBLIC EMPLOYEES RETIREMENT SYSTEM (NIEHAUS T, KEARNEY E) To revise the law governing the Public Employees Retirement System.

Third Hearing, All Testimony

Wednesday, August 22, 2012

HOUSE HEALTH AND AGING RETIREMENT AND PENSIONS
SUBCOMMITTEE

Rep. Schuring: 614-752-
2438

Wed., Aug. 22, 2012, 1:00 PM, Hearing Room 121

SB340 OHIO POLICE AND FIRE PENSION FUND (NIEHAUS T) To revise the law governing the Ohio Police and Fire Pension Fund.
Fourth Hearing, All Testimony

SB343 PUBLIC EMPLOYEES RETIREMENT SYSTEM (NIEHAUS T, KEARNEY E) To revise the law governing the Public Employees Retirement System.
Fourth Hearing, All Testimony

[Ohio Municipal League](#)

Legislative Inquires: [Edward Albright, Director of Legislative Affairs](#)
[Kent Scarrett, Director of Communications](#) [Tim Biggam, Legislative Advocate](#)

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