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# Memorandum

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**TO:** Mayor & Members of Council  
**FROM:** Jon Bisher  
**SUBJECT:** General Information  
**DATE:** November 16, 2012



## CALENDAR

Monday, November 19<sup>th</sup>

→ **City Council Meeting at 7:00 pm**

## C. NAPOLEON CIVIC CENTER PRESENTATION

1. We have included a copy of Napoleon Civic Center's Vision & Mission Statements, Goals, Improvements and Additional Uses for Complex; list of Committee Members, and the By-Laws.

## D. APPROVAL OF MINUTES

1. Special Council Meetings with Finance & Budget Committee (Oct. 29, Nov. 2 & Nov. 3)
2. Council Meeting (November 5)
3. Special Council Meeting with Water/Sewer Committee (Nov. 12)

## H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 075-12** an Ordinance for the City of Napoleon to Enter into an Agreement with the State of Ohio Department of Transportation for Maintenance on Riverview Avenue in Exchange for Assuming Ownership of Riverview Avenue; and Declaring an Emergency.
2. **Resolution No. 079-12** a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to Take Bids on Certain Projects, Services, Equipment, Materials or Supplies without the Requirement for Additional Legislation to do so in the Year 2013; and Declaring an Emergency.
3. **Resolution No. 080-12** a Resolution Authorizing Expenditure of Funds in Excess of \$25,000.00 in and for the Year 2013 as it Relates to Reoccurring Costs Associated with the Operation of the City, for Payment of Expenses, and for Purchases Associated with Vendors Utilized by Multiple Departments within the City; Elimination of Necessity of Competitive Bidding in and for the Year 2013 as it Relates to Certain Transactions; Declaring an Emergency.
4. **Resolution No. 081-12** a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio; in and for the Year 2013; Declaring an Emergency.

## I. SECOND READING OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 070-12** an Ordinance Amending Section 121.03 of the City of Napoleon Administrative Code and Rule 6.5 of the Rules and Regulations of City Council regarding Publication of Legislation by Summary.
2. **Resolution No. 073-12** a Resolution Amending the Allocation of Funds as found in Section 193.11 of the Codified Ordinances of the City of Napoleon, Ohio.
3. **Resolution No. 074-12** a Resolution Amending Resolution No. 081-10 to Amend the Pay Frequency of Councilmembers and the Mayor of the City of Napoleon, Ohio.

## **J. THIRD READING OF ORDINANCES AND RESOLUTIONS**

1. **Resolution No. 064-12** a Resolution Authorizing the Adoption and Approval of the Henry County Natural Hazard Mitigation Plan
2. **Ordinance No. 067-12** an Ordinance Amending Chapter 925 of the Codified Ordinances of the City of Napoleon (Waste Collection) to Establish Section 925.13(D) Low Occupancy.
3. **Ordinance No. 068-12** an Ordinance Vacating a Certain Alley Located in the Original Plat of the Village (now City) of Napoleon, Henry County, Ohio.

## **K. GOOD OF THE CITY**

1. *Accepting \$1,000.00 Donation from the Southside Beautification Group, Inc. for Veterans Park and Accepting Improvements to Veterans Park.*
  - a. Attached are: (a) Memorandum from Tony Cotter; and (b) a letter from the Southside Beautification Committee.
2. *Approval of Electric Billing Determinants for November, 2012.*
- Items 3 thru 8 are Recommendations from the Water/Sewer Committee at their November 12<sup>th</sup> meeting.
3. *Direct the Law Director to Bring Legislation Rescinding the Defiance Co-op Agreement.*
4. *Direct the Law Director to Bring Legislation Directing the City Manager to Negotiate an Extension of the Wauseon Reservoir Agreement.*
5. *Direct the City Manager to Consent to Form the Collaborative Agreement to Build a Water Plant with the County Water/Sewer District and the Village of Liberty Center.*
6. *Direct the Law Director to Bring Legislation to Redirect the Purpose of \$1,800,000 Issued Debt on Rehabilitation of the Old Water Plant to the New Plant.*
7. *Direct the Law Director to Bring Legislation to Expend \$100,000 for a Test Study*
8. *Authorize the City Manager to Negotiate any Contracts Needed to Assist in Procurement or Building of the Water Plant with Final Approval of Council.*
9. *Review Proposed Legislation Opposing 601 on Income Tax Uniformity.*
  - a. We have enclosed the email from OML along with the two (2) sample resolutions.
10. *Approval of Plans and Accept Bids for Water Treatment Plant and Wastewater Treatment Plant Chemicals FY2013.*
  - a. This is the annual bid for chemicals used at our WTP and WWTP that was included in the 2012 bidding ordinance.

## **INFORMATIONAL ITEMS**

1. **CANCELLATIONS**
  - a. *Tree Commission Meeting*
  - b. *Parks & Rec Committee Meeting*
2. **OML Draft Municipal Income Tax Language**
3. **AMP UPDATE/November 9, 2012**
4. **OHIO MUNICIPAL LEAGUE BULLETIN/LAME DUCK**

October 2012							November 2012							December 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					1	2	3	2	3	4	5	6	7	8
7	8	9	10	11	12	13	4	5	6	7	8	9	10	9	10	11	12	13	14	15
14	15	16	17	18	19	20	11	12	13	14	15	16	17	16	17	18	19	20	21	22
21	22	23	24	25	26	27	18	19	20	21	22	23	24	23	24	25	26	27	28	29
28	29	30	31				25	26	27	28	29	30		30	31					

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>1</b>	<b>2</b>	<b>3</b>
				6:00 PM Parks & Recreation Board Meeting	8:00 AM Finance & Budget and City Council Meeting/2013 Budget Review	8:00 AM Finance & Budget and City Council Meeting/2013 Budget Review
<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	7:00 PM City COUNCIL Meeting AV - Dan					
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
	6:30 PM BOPA Meeting 6:45 PM Water/Sewer Committee and Special COUNCIL Meeting AV - Rox		AMP - Bisher	AMP - Bisher		
<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
	7:00 PM City COUNCIL Meeting		BISHER - Vacation	HOLIDAY - Thanksgiving BISHER - Vacation	BISHER - Vacation	BISHER - Vacation
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>1</b>
BISHER - Vacation	6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting AV - Shery					10:00 AM Christmas Parade

City of Napoleon, Ohio

## CITY COUNCIL

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

### MEETING AGENDA

Monday, November 19, 2012 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer**
- C. **Napoleon Civic Center Presentation**
- D. **Approval of Minutes** *(In the absence of any objections or corrections, the minutes shall stand approved.)*
  - 1. October 29, November 2 & November 3 – Special Meetings with Finance & Budget Committee
  - 2. November 5 – Council Meeting
  - 3. November 12 - Special Meeting with Water, Sewer, Refuse, Recycling, & Litter Committee
- E. **Citizen Communication**
- F. **Reports from Council Committees**
  - 1. **Technology Committee** did not meet on Monday, November 5 due to lack of agenda items.
  - 2. **Electric Committee** did not meet on Monday, November 12 due to lack of agenda items.
  - 3. **Water, Sewer, Refuse, Recycling & Litter Committee** *(Majority Report)* met on November 12 and recommended:
    - a. Legislation rescinding the Defiance Co-op Agreement;
    - b. Legislation to direct City Manager to negotiate an extension of the Wauseon Reservoir Agreement;
    - c. Direction to consent to form the collaborative agreement to build plant with County Water/Sewer District and Liberty Center;
    - d. Legislation to redirect purpose of 1.8 million issued debt on rehab of old plant to new plant;
    - e. Legislation to expend \$100K for test study; and
    - f. Authorize City Manager to negotiate any contracts needed to assist in procurement or building of plant with final approval of Council.
  - 4. **Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on Nov. 12 due to lack of agenda items.
- G. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
  - 1. **Board of Public Affairs** met on Monday, Nov. 12 with the following agenda items:
    - a. Approval of billing determinants
    - b. Electric department report
  - 2. **Privacy Committee** met on Tuesday, November 13 with the following agenda items:
    - a. Review of policies/procedures for identity theft prevention
    - b. Report from staff
    - c. Replacement of retiring committee member
  - 3. **Board of Zoning Appeals** did not meet on Tuesday, November 13 due to lack of agenda items.
  - 4. **Planning Commission** did not meet on November 13 due to lack of agenda items.
- H. **Introduction of New Ordinances and Resolutions**
  - 1. **Ordinance No. 075-12** An Ordinance for the City of Napoleon to enter into an agreement with the State of Ohio Department of Transportation for maintenance on Riverview Avenue in exchange for assuming ownership of Riverview Avenue; and declaring an emergency
  - 2. **Resolution No. 079-12** A Resolution authorizing the expenditure of funds and authorizing a department director to take bids on certain projects, services, equipment, materials, or supplies without the requirement for additional legislation to do so in the year 2013; and declaring an emergency
  - 3. **Resolution No. 080-12** A Resolution authorizing expenditure of funds in excess of \$25,000.00 in and for the year 2013 as it relates to reoccurring costs associated with the operation of the City, for payment of expenses, and for purchases associated with vendors utilized by multiple departments within the City; elimination of necessity of competitive bidding in and for the year 2013 as it relates to certain transactions; declaring an emergency
  - 4. **Resolution No. 081-12** A Resolution authorizing a contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the year 2013; declaring an emergency

**I. Second Readings of Ordinances and Resolutions**

1. **Ordinance No. 070-12** An Ordinance amending Section 121.03 of the City of Napoleon Administrative Code And Rule 6.5 of the Rules and Regulations of City Council regarding publication of legislation by summary (*Suspension requested*)
2. **Resolution No. 073-12** A Resolution amending the allocation of funds as found in Section 193.11 of the Codified Ordinance of the City of Napoleon, Ohio (*Suspension requested*)
3. **Resolution No. 074-12** A Resolution amending Resolution No. 081-10 to amend the pay frequency of Council members and the Mayor of the City of Napoleon, Ohio (*Suspension requested*)

**J. Third Readings of Ordinances and Resolutions**

1. **Resolution No. 064-12** A Resolution authorizing the adoption and approval of the Henry County Natural Hazard Mitigation Plan
2. **Ordinance No. 067-12** An Ordinance amending Chapter 925 of the Codified Ordinances of the City of Napoleon (waste collection) to establish Section 925.13(D) Low Occupancy
3. **Ordinance No. 068-12** An Ordinance vacating a certain alley located in the original plat of the Village (now City) of Napoleon, Henry County Ohio

**K. Good of the City** (*Any other business as may properly come before Council, including but not limited to:*)

1. **Discussion/Action:** Accepting \$1,000.00 donation from the Southside Beautification Group, Inc. for Veterans Park and accepting improvements to Veterans Park
2. **Discussion/Action:** Approval of electric billing determinants for November, as follows:  
Generation Charge: Residential @ \$.06951; Commercial @ \$.07792; Large Power @ \$.05407; Industrial @ \$.05407; Demand Charge Large Power @ \$7.27; Industrial @ \$7.40; JV Purchased Cost: JV2 @ \$.02109; JV5 @ \$.02109
3. **Discussion/Action:** Direct the Law Director to bring legislation rescinding the Defiance Co-op Agreement;
4. **Discussion/Action:** Direct the Law Director to bring legislation directing the City Manager to negotiate an extension of the Wauseon Reservoir Agreement;
5. **Discussion/Action:** Direct the City Manager to consent to form the collaborative agreement to build a water plant with the County Water/Sewer District and the Village of Liberty Center;
6. **Discussion/Action:** Direct the Law Director to bring legislation to redirect the purpose of \$1,800,000 issued debt on rehabilitation of the old water plant to the new plant;
7. **Discussion/Action:** Direct the Law Director to bring legislation to expend \$100,000 for a test study
8. **Discussion/Action:** Authorize the City Manager to negotiate any contracts needed to assist in procurement or building of the water plant with final approval of Council.
9. **Discussion/Action:** Review proposed legislation opposing HB 601 on Income Tax Uniformity

**L. Executive Session:** Personnel

**M. 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.*)

**N. Adjournment**

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Gregory J. Heath, Finance Director/Clerk of Council

**A. Items Referred or Pending in Committees of Council**

- 1. Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Monday, December 3 @ 8:00 PM)*
  - a. Review Possibility of Combining Court Server with City Server
  - b. Review Possibility of MIS Assistant Position
- 2. Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, December 10 @ 6:30 PM)*
  - a. Review of Electric Billing Determinants
  - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, December 10 @ 7:00 PM)*
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, December 10 @ 7:30 PM)*
  - a. Updated Info from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, December 17 @ 8:00 PM)*
- 6. Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, November 26 @ 6:30 PM)*
  - a. Amusement License Fees on Gaming (Tabled)
- 7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Meeting: Monday, November 26 @ 7:30 PM)*  
Meeting with Townships
  - a. EMS Costs and Revenues
- 8. Personnel Committee (As needed)**

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

- 1. Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, December 10 @ 6:30 PM)*
  - a. Review of Electric Billing Determinants
  - b. Electric Department Report
- 2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, December 11 @ 4:30 PM)*
- 3. Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, December 11 @ 5:00 PM)*
- 4. Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, January 21, 2013 @ 6:00 PM)*  
November & December meetings are canceled due to lack of agenda items.
- 5. Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, November 27 @ 4:30 PM)*
- 6. Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, November 28 @ 6:30 PM)*
- 7. Privacy Committee (2nd Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, May 14, 2013 @ 10:30 AM)*
- 8. Records Retention Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Tuesday, December 11 @ 4:00 PM)*
- 9. Housing Council (1<sup>st</sup> 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)**

## **NAPOLEON CIVIC CENTER JOHN L. JOHNSON AUDITORIUM**

**Vision Statement....**To be a community center and performing arts venue for the residents of Henry County, while preserving the historical tradition of the building as a common meeting and performing arts area.

**Mission Statement...**To renovate and restore the historic John L. Johnson Auditorium and the adjacent west wing of the former school building and establish a state of the art community center with cafeteria and reception hall space, meeting rooms, a visual and performing arts auditorium, and gymnasium areas. The center would serve as a gathering place for the residents of Henry County and any community organizations offering such amenities as a cafeteria, studios and meeting places, and an auditorium and gymnasiums.

### **Goals...**

- To seek, accept, and properly manage gifts to restore, renovate and ensure the continued success of the Napoleon Civic Center.
- To oversee the renovation of the auditorium and classroom structures to meet the proposed needs of the civic center.
- To encourage the use of the facility by community organizations, senior citizens, school and government entities, and local arts organizations.
- To establish ways to maintain, in perpetuity, the civic center for the benefit of the residents of Henry County.

*Recently the residents of the Napoleon Area Schools voted to work with the Ohio School Facilities Commission to build a new elementary and middle school. The architect's plans include the demolition of the JLJ Auditorium (built in 1935) with the rest of the Central complex. It will be replaced at the new site with a gymnasium, a shared facility between athletics and the performing arts. Problems of scheduling, sound, lighting, and inadequate seating for larger musical productions will result. The residents of Napoleon and the communities of Henry County need a proper auditorium.*

- Cost of renovation of John L. Johnson Auditorium: approximately \$3.1 million with 3 years to raise funds. Cost of new theater attached to new construction: \$4.75 million, with a monetary commitment due in less than 9 months.
- An agreement for facility usage would need to be worked out with the school district, city, and whoever takes over the area.

### **Improvements to Napoleon Civic Center/John L. Johnson would include but not limited to:**

- Demolition of the east side/old high school portion (built in 1921), saving some architectural elements to be incorporated in the future.
- Add a fire suppression system to the auditorium/building.
- Add a new heating and cooling unit to the auditorium/building.
- Replace the roof.
- Incorporate new sound and lighting systems for the stage area.
- In the future, replace stage curtains, side wall drapes, seating and carpeting.
- A permanent outdoor amphitheater stage with canopy built on the east side of the complex for outdoor concerts, theatrical presentations, bands and other musical groups, incorporating recovered historical architectural elements from demolition of the east side/old high school portion, and finally offer ample parking.

### **Additional uses for the complex:**

- Loose Field and seating will be retained.
- The two interior gymnasiums will be retained.
- Locker room, showers and restrooms will be retained.

- The Central Elementary/west side cafeteria and kitchen could be used for receptions, banquets, and parties
- West side classrooms (built in 1953) could be used as art studios, music, and dance studios, city offices.
- Recreation department could offer summer craft classes inside and have an exterior show on the lawn.
- The playground will be retained.
- Acquire National Historic Register of Historic Places status.

We hope you will help the Napoleon Civic Center dream become a reality as we progress towards renovation and restoration. Here's how you can help...

- ***Donate to the Napoleon Civic Center...*** Give a pledge or donation to our Napoleon Civic Center Fund Drive and know that you will be making a tremendous difference to the John. L. Johnson Auditorium's present and future. Your support will help us to move forward for our \$3.1 million goal to begin the renovation and restoration progress of the complex. Honor a special person in your life with a Tribute or Memorial gift. Make your gift go twice as far by utilizing your employer's Matching Gift program. Naming rights based upon donation size will be determined in the near future.

Donations CIVIC CENTER  
 % The Henry County Bank  
 122 E. Washington  
 Ohio 4354            419-599-1065  
 are tax deductible  
 be publicly acknowledged unless anonymity is desired

Napoleon,  
 ---donations  
 ---donors will

- ***Write a Proclamation or Letter of Support...*** You and your organization can write a letter of proclamation supporting the need and efforts of the Napoleon Civic Center. Letters can be sent to: Janet Lyne, 620 Sheffield Avenue, Napoleon, OH 43545    lyne@adelphia.net
- ***Volunteer on one of the various committees...*** We need help and assistance in all aspects of this noteworthy endeavor. You can aid us by becoming a member of one or more of the various committees, including Communications, Endowment, Fund-raising, Grant Writing, or general volunteer when needed. Contact one of the Central Committee members as listed in the website.

**Website:** <http://www.napoleonciviccenter.com>    **Facebook page:** Napoleon Civic Center

*Please know that however you choose to give, everyone at the Napoleon Civic Center is immensely grateful for your friendship. Friends like you are the reason the dream of preserving the John L. Johnson Auditorium is a reality. We want our future generations to be able to look back knowing Napoleon placed a high priority on the arts and aesthetic appreciation of beauty.*

## CIVIC CENTER Central Committee

President	Ken Neuenschwander	
President Elect	Larry Lyne	rep to Napoleon City Band
Secretary	Janet Lyne	rep to HC Chorale
Treasurer	Joe Aschemeier	rep to MVCT
Officers at Large	Tootie Bockelman	rep to Fund Raising Committee
	Joel Miller	rep to The HCCC
	Ryan Mays	rep to HCAC
	Rose Wiemken	rep to HC Historical Society
	Tom Jenny	rep to Napoleon City Band
	Dr. Steve Fogo	rep to Napoleon Area Schools
	Taylor Moyer	rep to Napoleon Drama Dept
	Ken Meyer	rep to Napoleon Alumni Assc.
	Roger Hefflinger	rep to Napoleon Alive
	Ayllsa Mt Castle	rep to communications com.
	Cathy Hefflinger	rep to fund raising com.
	Janet Meyer	rep to Napoleon Alumni Assc.

DRAFT 2...DRAFT 2...9/5/12  
BY-LAWS OF THE NAPOLEON CIVIC CENTER

ARTICLE 1  
IDENTIFICATION

Section 1. 1-- Name

The name of the organization shall be NAPOLEON CIVIC CENTER (hereinafter referred to as "NCC").

Section 1. 2 -- Fiscal Year

The fiscal year of the NCC shall be the beginning of the first day of July and end at the close of the last day of June next succeeding.

ARTICLE II  
PARTICIPATION IN THE NAPOLEON CIVIC CENTER

Section 2.1-- Membership

a) An individual member must be at least 18 years of age, show an interest in the mission and goals of the NCC, and be willing to actively serve on one or more of the standing or ad hoc committees.

Section 2. 2-- Admission to membership

The trustees will prescribe the manner in which the application may be made for membership.

Section 2. 3 -- Liability of Members

No member of this corporation will be personally liable for its debts, liabilities, or obligations, nor subject to any assessment.

ARTICLE III  
MEETINGS OF MEMBERS

Section 3. 1--Annual Meeting

An annual meeting of members for the election of trustees and any other corporate business as may come before the meeting. The meeting will be held in August in each year at a time and place determine by the board of trustees. If the fixed day of the meeting is on a legal holiday, the meeting will be held the next succeeding day. If the election of trustees is not held on the day designated, the board of trustees will cause the election to be held at a special meeting of members conducted as soon as may be convenient. Reasonable notice of the annual meeting shall be given to all members. At the annual meeting, all committees shall make a complete report to all members present.

Section 3.2--Special Meetings

Special meetings may be called by the president, any member of the board of trustees, or not less than one fourth of all the members in good standing.

Section 3.3--Place of Meeting

The board of trustees may designate any place as the place of meeting for any annual or special meeting of members.

Section 3.4--Notice of Special Meetings

A written or printed notice, stating place, day, and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered, emailed, or mailed by the secretary or by the officers or persons calling the meeting, to each member at least seven days before the date of the meeting. Attendance at any meeting shall constitute waiver of notice of such meeting.

Section 3.5--Quorum

At any meeting of the NCC membership for which notification has been duly made the voting members present shall constitute a quorum.

Section 3.6--Voting at Meetings

Pursuant to Article III section 3.1, the right to vote shall be determined by membership and attendance at the meeting. Proxy and absentee voting will not be allowed. Votes shall be cast and counted as follows:

Individual membership	One (1) vote per membership
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ARTICLE IV  
TRUSTEES

Section 4.1--Number

The authorized number of trustees will be nine (9).

Section 4.2--Qualifications of Trustees

Trustees must be members of the corporation and must be residents of Henry County.

Section 4.3--Term of Office

The initial trustees named in the articles of incorporation as the first board of trustees will hold office until June 2017. The Board of Trustees selected on June 2013 shall serve staggered terms three years. No member of the board of trustees shall serve longer than two (2) consecutive terms.

Section 4.4--Powers

Excepts as otherwise provided in the article of incorporation, or by law, the powers of this corporation will be exercised, its properties controlled , and its affairs conducted by the board of trustees, which may, however, delegate the performance of any duties or the exercise of any powers to officers and agents as the board by from time to time, by resolution, designate.

Section 4.5--Replacement of Trustees

- a) Whenever a vacancy exists on the board of trustees, whether by death , resignation, or otherwise, the vacancy will be filled by appointment by the majority of the remaining trustees at a regular or special meeting of the board. Any person appointed or elected to fill the vacancy of a trustee will have the same qualifications required of the trustee whose office was vacated.
- b) Any trustee may be removed, with or without cause, by the vote of two-thirds of the members of the board of trustees at a regular meeting or at a special meeting called for that purpose. At any such meeting, any vacancy caused by the removal may be filled as stated above.
- c) Any person elected to fill a vacancy in the board of trustees will hold office for the unexpired term of his or her predecessor in office, subject to the power of removal stated above.
- d) A trustee may resign at any time by filing his/her written resignation with the Secretary.

#### Section 4.6--Compensation

No member of the board of trustees will receive any compensation for the corporation.

#### Section 4.7--Removal

At a meeting of members expressly for that purpose, Trustees may be removed in the manner provided in this section, unless otherwise provided. Any or all members of the trustees may be removed, with just cause, by a two-thirds majority vote of the members present at the special meeting.

#### Section 4.8--Annual Meeting

The board of trustees shall meet each year immediately after the annual meeting of the members at the place where such meeting of the members had been held, for the purpose of organization, and consideration of any other business that may be brought before the trustees. No notice shall be necessary for the holding of this annual meeting.

#### Section 4.9--Other Meetings

Other meetings of the Trustees will be held at the discretion of the officers.

#### Section 4.10--Quorum

At any meeting of the trustees, the presence of five (5) of the total number of Trustees shall constitute a quorum for the transaction of any business.

#### Section 4.11--Organization

The president and in his/her absence, the Vice President and in their absence, any trustee chosen by the trustees present, shall call a meeting of the board of trustees to order, and shall act as Chairman of such meetings. In the absence of the Secretary, the presiding officer may appoint a Trustee to act as Secretary of the meeting.

#### Section 4.12--Order of Business

- 1) Roll Call of trustees and sign in of members present
- 2) Reading of the Minutes
- 3) Reports of Officers
- 4) Reports of committees
- 5) Unfinished business
- 6) New Business

Any action required or permitted to be taken at any meeting of the Board of Trustees or of any committee thereof may be taken without a meeting if prior to such action a written consent is filed with the minutes of the proceedings of the board or committee.

### ARTICLE V OFFICERS

#### Section 5.1--Designation of Officers

The officers of the corporation will be president, a vice president, a secretary, and a treasurer. The officers to have the authority and perform the duties prescribed by the board of trustees. Any two or more offices may be held by the same person, except the offices of president and secretary.

#### Section 5.2--Election and Term of Office

The officers of this corporation will be elected annually by the board of trustees at the regular annual meeting of the board of trustees. New offices may be created and filled at any meeting of the board. Each officer will hold office until his successor has been duly elected. (majority vote)

#### Section 5.3--Removal

Any officer elected or appointed by the board of trustees may be removed by the board of trustees whenever in its judgment the interests of the corporation would be best served. (2/3 majority vote)

#### Section 5.4-- Vacancies

A vacancy in any office, whether due to death, resignation, removal, disqualification, or otherwise, may be filled by the board of trustees for the unexpired portion of term.

#### Section 5.5--President

The president will be the chief executive officer of the corporation, and will exercise general supervision and control over all activities of the corporation. The president :

- a) Will preside at all meetings of members and trustees
- b) May sign, with the secretary or other officer duly authorized by the board of trustees, contracts or other instruments the execution of which has been authorized by the board of trustees, except in cases where the signing and execution of instruments has been expressly delegated by the board of trustees, by these regulations, or to some other officer or agent of the corporation by law;
- c) will perform all other duties generally incident to the office of president and prescribed by the board of trustees.

#### Section 5.6--Vice President

In the absence of the president or in the event of the president's inability or refusal to act, the vice president will perform the duties of the president and when so acting, will have all the powers of and be subject to all the restrictions on, the president. Any vice president will perform additional duties assigned by the presidents or by the board of trustees.

#### Section 5.7--Treasurer

- a)The treasurer of the Board of Trustees shall be responsible for accounting duties in the normal course of business for the NCC and for safekeeping any money which is not held by said NCC.
- b)The treasurer is subject to audit by the officers at any given time. The officers shall perform an annual audit of the finances of NCC. The results of this audit shall be presented at the annual meeting of the members. A written copy of the audit shall be made available to any member upon request.
- c) Bonding for the treasurer will be determined by the board of trustees.

#### Section 5.8--Secretary

The secretary shall keep minutes of all proceedings of the voting members and the trustees and to make proper record of the same which shall be attested by him/her and to sign all documents required by the board of trustees or by law.

Section 6.1--Committees

The Board of Trustees shall have the power to appoint committee and committee chairpersons and designate certain powers and responsibilities, not specified in the by-laws, for said committees. The committees shall be standing or temporary, as the Board of Trustees deem appropriate. A member of the Board of Trustees can be chosen by the president of the Board of Trustees to chair each of the designated standing committees.

ARTICLE VII  
AMENDEMENTS

Section 7.1--Amendments

The by-laws may be adopted, amended, or repealed at any meeting of the general membership by a two-thirds majority vote of the members present at said meeting. Proposed changes in the by-laws shall be made known to all members through procedures prescribed in Article III section 3.1 and 3.4 at least two (2) weeks prior to said meeting.

ARTICLE VIII  
MISCELLANEOUS

Section 8.1--Amendments

In the event of the disillusionment of the corporation any remaining recognized donor money, less expenses, will be either returned to the donor or forwarded to a suitable charitable organization.

**City of Napoleon, Ohio**  
**CITY COUNCIL**

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**Special Meeting Minutes**

Monday, October 29, 2012 at 7:30 PM

**PRESENT**  
**City Council**

**Finance & Budget Comm.**  
**City Staff**

**Recorder**

**ABSENT**  
**Council Members**

**Call To Order**

**Potential Future**  
**Assessments on Projects**

John Helberg – President, Jeffrey Lankenau, Travis Sheaffer, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel

Christopher Ridley – Chair, John Helberg, Jason Maassel, Mayor Ronald Behm

Dr. Jon Bisher, City Manager

Trevor Hayberger, Law Director

Gregory J. Heath, Finance Director/Clerk of Council

Chad Lulfs, City Engineer

Christine Peddicord, Asst. Finance Director

Barbara Nelson

None

President Helberg called the meeting to order at 7:33 PM.

Heath reviewed and described municipal special assessment procedures and what the City is allowed to assess. Most operational services are assessable. The process is very detailed and is considered a “taking.” It should be started at least 60-90 days ahead of a project. He distributed a checklist with dates to be filled in so Council can see what has to be done when. With the State taking away funds, the City has control of utility rates, assessments, and some fees to bring in revenue. Income tax is a voted rate and we don’t know how much we will get. The State is trying to take that now. Bisher said local government funds were grabbed to balance the State budget. Inheritance tax disappeared.

Heath gave some examples for perspective on assessments. An assessment study was done on the Woodlawn Project. It was estimated to cost \$2,700,000, with assessments totaling \$1,100,000. This is just shy of 40%. If that had been done on the whole Clairmont, Woodlawn & W. Washington Project, it would have been 40% of \$6,400,000. Bisher asked the question, “Should the person who benefits pay for the improvement or should everyone pay?” He believes we should socialize costs for the water plant or sewer plant, but a new street helps the value of a person’s property. Assessments go through the Assessment Equalization Board (AEB). We assessed by the truck stop, some people came to the AEB and said they were assessed in previous sewer projects. The AEB felt that was true and not fair and adjusted their assessments by the amount previously paid. The bill is put on property taxes. Homeowners don’t have to come up with the money immediately. It comes back on taxes each year.

Heath said Council has control on assessments. The cost per household depends on how assessments are proscribed. Lulfs said Woodlawn would have been \$10,000-\$20,000 per property. Heath said assessments cannot be done retroactively. Helberg said Council used to do assessments and the City usually paid around 50%. Heath said Council directed Clairmont at 98%. Clairmont was then done without any assessments. Helberg said we were now forced to without assessments because of the EPA schedule. McColley asked if assessments could be implemented in phases. Bisher said it is done on a project by project basis. He would like to say this is our

policy and we will begin it on this project. If it is just a sewer project, people are assessed based on the service area. The south side was assessed that way. Heath said it was a \$3,000,000+ project paid off by assessments. Bisher said you must define the service area and who benefits from it.

Helberg said Woodlawn was cheaper because it was a thoroughfare and the City picks up part of the thoroughfare cost. Bisher said Council's policy for that typically is: if it is a new subdivision, we tell the builder to put the cost of lots for a normal street but the City pays for upsizing. We socialize that cost and have an assessment in effect on the rest, but the builder includes the assessment in the price of the lots. Heath said the waterline on Strong St. could be assessable. We will have an extremely difficult time debting it from the water fund. The money is not there. Bisher said the water on Strong St. would not be brown if we had assessments. We could have done it three years ago. Helberg said we haven't assessed waterline projects.

Lulfs said planning assessments for next year's projects make them almost impossible. He suggested looking at 2014 for assessing projects. Otherwise, we won't be able to get 2013 projects done on time. Heath said no decisions are needed tonight. Bisher said this is not part of the 2013 budget. Heath said if Council wants to give direction for the future, the checklist gives staff direction as to when they need to present a project to Council to meet the assessment guidelines and time tables.

McColley said he would like to see the enterprise funds stabilize rates. We need to stay within our means. Some people will want their road redone and won't be willing to pay for it. Bisher said assessments are not optional once Council decides to do them. Hayberger said every assessment doesn't have to be 98% assessed. Lankenau said we could start at 30% in year one and do more the next year in order to ease it in. Hayberger said you have to set the cost at a certain point. McColley suggested waiting to see what the performance audit says.

Helberg asked what projects are out there that could be assessed. Lulfs said some are strictly design for 2014 including Oberhaus I/I, Southside I/I. Bisher said the southside already paid once and others didn't, then we go back and make them pay again. Helberg said they may get a pass on that. Lulfs said there is nothing much other than sewer projects. We will have to do Oakwood at some point and it will probably be \$6,000,000. Bisher said if people meet the tests for a CDBG grant, we can't assess them. Lulfs said we will have to tackle some projects in town where the roads are shot. Helberg said Park St. from Glenwood to Sheffield has never been fully improved. Lulfs said that is on the books for 2015. Lankenau said the rates are already high. We can't put these costs entirely in the rates. We could start assessing in 2014. Helberg said we can do this project by project. He asked Lulfs for a list of possible projects to consider.

Bisher said if Council wants the numbers on assessments, they will have to spend money to find out. Lankenau said if we go down that road, we have to stick to our guns. Helberg said it should not be done at 98%. McColley asked the maximum amount of time the City can assess. Bisher said it is typically 20 years. This creates a revenue stream. There are three options for the homeowner: pay for the assessment upfront, pay over the period of the assessment, or go to the AEB and ask for an extension. Sometimes it is deferred for 10 years.

**Review Of Proposed  
Revenues For 2013  
Budget**

Mayor Behm asked if this was standardized in the past. Bisher said it was not. Behm said people with a deeper sewer line should not have to pay more. Helberg said it is relative to the sewer tap. Heath said the cost is the cost. Bisher said if the water main goes by your house and you use it, you would be assessed. The sewer is an area and laterals run into it. Helberg said if you are only fixing a side street, only the side street gets assessed. Bisher said we try to do it fairly. Heath said if we usually use a 8" line, but the City wants a bigger 24" line, we socialize the difference between the 8" and 24". Lulfs said waterlines almost always go in at 5' deep. The EPA broke projects down into interceptor areas. If we are working on an interceptor, we assess everyone who dumps into that interceptor. Ridley said raising rates and assessing are both bad options. We must use our best discretion. Bisher said most cities assess.

Heath distributed and reviewed proposed revenues of about \$45,000,000 in the 2013 budget. The State impacted revenues greatly. Our .3% income tax has saved us. The 2 mills is down because valuations are down from \$150,000,000 to \$143,000,000. Personal property tax is gone per the State. We got \$50,000 in 2010 and 0 now. Bisher said the estate tax and cigarette tax brought \$100,000-150,000 in 2008-2011.

Heath said his concern is income tax. Council needs to protect City revenues. The legislature has not been our friend. This affects citizens and leaves less money for police/fire, etc . We will be hit hard if the State does what they propose with City income tax. They want to grab what our citizens voted to be used here. Council must talk to legislators. Hayberger said the State is trying to usurp home rule by gutting your choice. Bisher said if you have no money, the State will operate the City for you. The Ohio Constitution allows home rule. It is hard to change that, but they can still take money away. The Governor wants to do away with State income tax and replace it with natural energy tax. He will take City tax too. You can have home rule, but no money to run the City and the State decides what our level of service will be. Behm said some states operating with no income tax are the fastest growing states.

Heath distributed a draft of revised legislation for the split of income tax money. Recreation gets its full levy amount and the net after operating expenses is split. The ordinance says 50% general fund (GF) and 50% capital improvement fund (CIP). We have been running 62% GF and 38% CIP. We estimate \$3,200,000 revenue from income tax next year. The last time changes to the Income tax were made the State said 125 plans are not taxable. This cost the City \$250,000 per year. Withholding is up 6%. Business profit is down a lot. We may not make this up in payments in October. It is down 0.12% now. Bisher said we are doing a final budget, but don't have final numbers. Sheaffer suggested thinking about 100% credit for people who work out of town. Bisher said he gave up on fighting that fight. Sheaffer said we could start out with 25% credit and work up slowly. Bisher said we have a lot of people who work out of town.

Heath said we budgeted \$5,600,000 for the general fund in 2012 and estimate to bring in about \$5,700,000. We are taking it back to \$5,300,000 for 2013. Ordinance No. 088-11 reverts back to splitting tax revenue 50% GF and 50% CIP for 2013, but the general fund will not balance that way. Bisher said staff recommends leaving the split for 2013 the same as in 2012 with 62% GF and 38% CIP. Heath recommended taking all of Section 1(b) out that divides this money 50/50. It sets a dangerous precedent. Council can change the percentages any time. We cannot balance the

general fund without 62%. Helberg said he would rather that Section 1(b) say *Effective January 1, 2014* and leave percentages at 50/50. That will be a tickler and Council will address it every year. Hayberger said the problem is that if something happens to Heath, these little things get forgotten. There is a difference between a tickler and a right cross. Heath said it is unrealistic to assume we can continue the service level we've had with the revenue cuts we've had from the State and a 50/50 split. Bisher said the State is flush, but we won't get our money back. Behm said he would like staff to work toward a 50/50 split for 2014. McColley said it may be unrealistic, but it is still a goal.

Mayor Behm asked how much we pay employees. Bisher said we cut 3 positions last year and 2 this year. Behm asked how many were added on the fire department. Bisher said 2 were added, but this cut overtime. The City is people who plow snow, fight fires. Council wants to do more with less. We are right on the edge if we get heavy snows. You don't run the City on the third of June at 3:00 pm. It's 3:00 am on March 3 with 3' of snow. Sheaffer said employees are paying more for healthcare costs. Behm said you are fooling yourselves if you think we are not spending more on employees while increasing rates and having no capital improvement. When City employees make more than the private sector, it's a problem.

Bisher said citizens are paying for a service they asked for. As an example, it costs 5 times what it cost 5-10 years ago so we can have a trained paramedic on hand when people need one. At one time in this City we never had EMS service. We used to call Walkers to pick people up. It is up to Council if they don't want that service anymore. Sheaffer said we have to have highly trained electric workers. Napoleon always has the power back on in an hour or two. Hayberger said he has dealt with \$8 an hour police officers and was settling claims every six months. You get what you pay for. Sheaffer said police start at \$30,000/year and every call they go on could be their last one.

**Motion To Recommend  
Changes to Ordinance No  
088-11 For The 2013  
Budget**

Motion: Lankenau                      Second: Sheaffer  
To recommend that the date in Ordinance No. 088-11, Section 1(a) be changed to January 1, 2013 and that numbers be changed to 62%/38% for 2013; President Helberg amended the motion as follows: to leave Section 1(b) in and target 50%/50% for January 1, 2014; and to direct the Law Director to bring back this legislation

**Passed  
Yea-7  
Nay-0**

Roll call vote on above amended motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

Heath said special funds are set up per ordinance and per Council's request. He anticipates about \$792,000 income for Recreation including the recreation levy for 2013. It will still be a subsidy situation. McColley said Tony Cotter, Parks & Recreation Director, did a good job working with the Board, but they are adamant about some things and don't want to change them. We could cut their budget and let them deal with it. Bisher said we are not getting where we need to go. He appreciates the Board's work, but their budget gets bigger not smaller. There are no projected rate increases for sewer in 2013. The 512 transfer number will change. The assessment on the south side comes off in 2012 and is finished. The total current projected revenue for the 2012 budget is about \$44,800,000 from all sources.

**Review Of Proposed  
Personnel Costs For 2013  
Budget**

Heath distributed the Salary & Fringes Summary for the 2013 budget. All unions got a 2% increase at the direction of Council and 2% for non-bargaining is also included. The Municipal Properties Maintenance Foreman is retiring; that position is not included for 2013. A police lieutenant is retiring; that position is funded. A vacancy in the fire department is funded. The Human Resource Director is retiring in November; that position is budgeted. The Tax Administrator is retiring before the end of 2013. The budget includes her position to the end of the year. The Parks & Recreation position at the senior center is a union position. It was zeroed out and eliminated at about \$15,000 per year. She will be laid off, but we are assuming the county will hire her back. If not, the position needs money to pay unemployment compensation for next year at approximately 50%. Bisher said we are \$20,000 less this year on gross pay than last year at this time. We took bodies out last year and this year, trying to keep it level.

Heath said there is an issue regarding what Council pays themselves. If you take current salaries and raise them to \$7,200 for one year of full-time credit for PERS, this adds \$18,000 to the budget. Bisher said this will build retirement credit. Heath said Council may not be changing it for themselves, but for the next person elected. This must be done before the first of the year or Council will have to wait 3 more years to do it for the next election. Bisher said this won't impact the 2013 budget. Sheaffer suggested setting the payment to equal the minimum for full PERS credit instead of percentage increases in case the law changes again. McColley asked if it must be an established amount. Hayberger will check on this. Heath said one community did it by City Charter. Hayberger will bring something to the table for the next meeting. Bisher said the Mayor makes the minimum amount needed. Helberg said we should increase the Mayor by the same amount of our increase. Mayor Behm said he talked to Mayors at the OMEA Conference. Most Councils are making less than this City makes for cities that are twice this size. Some make \$300 per year. Mayors there make about the same as Behm does.

Heath asked if there were suggestions for revenue changes at this time. McColley asked if changes can be made at the meeting on Friday. Heath said the budget is a fluid document. It can be amended anytime. Bisher said the major advantage of budgeting as we do it that it allows Lulfs to get a head start on everyone else. He can go to bid on January 1 and start projects in March. Heath said the ORC says you must pass a temporary budget on or before January 1<sup>st</sup> and a permanent one on or before March 31<sup>st</sup>. We try to have a permanent one by January 1<sup>st</sup>.

Chairman Ridley said it would be hard to say we'll cut elsewhere, but double our own salary. Sheaffer said it has been hard at times to find people to serve. Ridley said an increase could encourage others and won't impact us immediately. Helberg said the increase is not enough money to make a difference on whether someone wants to be on Council. Sheaffer said retirement credits make the difference.

Bisher said we'll discuss expenses on Friday and Saturday. The Department heads will come in to go through their budgets. We hope to be out by 4:00 pm on Friday and by noon on Saturday. There are only a couple of additional requests.

**Motion To Adjourn**

Motion: Lankenau                      Second: McColley  
To adjourn the meeting at 9:50 pm

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

**Date Approved:**  
**November 19, 2012**

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John A. Helberg, President

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Ronald A. Behm, Mayor

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Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

City of Napoleon, Ohio  
**CITY COUNCIL**

**Special Meeting Minutes**

Friday, November 2, 2012 at 8:00 AM

**PRESENT**

**City Council**

**Finance & Budget**

**City Staff**

John Helberg - President, Jeff Lankenau – President Pro-Tem, Jim Hershberger (arrived at 11:42 am), Patrick McColley, Chris Ridley, Jason Maassel  
Chris Ridley - Chair, John Helberg, Jason Maassel, Ron Behm, Mayor  
Robert Bennett, Fire Chief  
Matt Bilow, Wastewater Treatment Plant Superintendent  
Dr. Jon A. Bisher, City Manager  
Denny Clapp, Electric Superintendent  
Tony Cotter, Parks & Recreation Director  
Trevor Hayberger, Law Director  
Gregory J. Heath, Finance Director/Clerk of Council  
Scott Hoover, Water Treatment Plant Superintendent  
Chad Lulfs, City Engineer  
Gloria Mikolajczak, Human Resources Director  
Christine Peddicord, Assistant Finance Director  
Jeff Rathge, Operations Superintendent  
Sheryl Rathge, Executive Assistant  
Judge Amy Rosebrook, Municipal Court  
Dan Wachtman, MIS Administrator  
Robert Weitzel, Police Chief  
Tom Zimmerman, Building Inspector  
News Media  
Barbara Nelson

**Others**

**Recorder**

**ABSENT**

Travis Sheaffer was on conference call starting at 1:10 PM, but not physically present.

**Call To Order**

President Helberg called Council to order at 8:05 am.

**Budget Overview**

Dr. Jon A. Bisher, City Manager, explained the budget review process. Revenues drive the expense side. Capital improvement is noncontroversial. The harder cuts are on the operation side. We have good folks working here. We cut their budgets until we got them to balance. We balanced the budget in each area, accounts and enterprise funds. Water is the one to pay closest attention to. We hope we don't need to do anything after next year in water increases.

Gregory Heath, Finance Director/Clerk of Council, explained the budget process and how to use the budget books. The "Other" expenses include things like copiers, paper, etc. Fund balance summaries must be in the black. We are working off estimates from 2012 and projections for 2013. Bisher said our City budget process worked for the last 3-4 years when other cities didn't. Mayor Behm said the goal is to have \$1,000,000 in the general fund and we have \$870,000.

**Public Works & Engineering**

**Additional Request**

**Two Summer**

**Interns For 2013:**

**\$21,920**

TIME: 8:30 AM

Chad Lulfs, Public Works Director/City Engineer, said he would like to get college kids back to help with inspections. They do a great job and provide cheap labor. He is requesting two interns for this summer.

Lulfs reviewed his budget with those present. Ridley asked about the jump in non-

bargaining salaries. Heath said the Public Works Director position was created in 2012. We reallocated how it was charged. Lulfs said there has been a reduction of one person. Two people are retiring and we are not replacing one, the maintenance foreman. We budgeted "0" for salt this year due to having so much left over from last year. There are four people less to do snow removal this year. There was almost no snow last year. We don't know if it will work this year or not.

Mayor Behm asked what would be done if there was a snowstorm and water main break at the same time. Would we contract out? Bisher said we contract out for different things like unlimited pickup. We also cross-train people from different departments to use the equipment for snowplowing, etc. If someone is hired in water and is working in snow removal, we charge their hours to snow. Ridley recommended putting the pre-planned route for snowplowing on the website for citizens to see.

We will do street striping again in 2013. We didn't do this for three years and some streets had no residual paint left for the new paint to stick to. We are doing the striping again in 2013 so we'll have residual left. A construction inspection truck is included in the budget. The head mechanic says it is the worst vehicle in the fleet. We would like to get a Chevy 1500 or half-ton 4- door truck. It would cost about \$22,500 on the State contract. We put \$25,000 in the budget. The current truck is a full size ½-ton 2002 Dodge truck. We can sell it at auction. Mayor Behm asked if the maintenance foreman had a truck. Lulfs affirmed. There is a 1998 truck, but there is a maintenance person who needs it to do his job. Heath said this is a huge tool vehicle, not a small vehicle. We need to replace a 1992 plow truck, a copier and a sewer camera. The current sewer camera is VHS and we can't upgrade it.

The tree program is for trees on City property. After a street is finished, new trees are planted. We also trim trees. We try to put costs for tree removal into various projects. We need to update the tree inventory. This would be a one-time deal. We added gator bags for watering young trees.

Lulfs explained the sidewalk reimbursement program. We are looking at replacing concrete streets in town. We changed the old standard. It was 8"-10" by the edge to 6" in the middle, then wider. It is now 8" of concrete for everything. Lankenau suggested letting residents know before they start working on a street. Lulfs said we won't close the road. We will do one side, then the other. Heath said some of this is assessable. Helberg asked for a list to consider. Lulfs said the problem will be timing. We can't work assessments into the 2013 projects.

Bisher said the Kenilworth Project is \$375,000. It is divided into streets, water, and sanitary sewer. McColley asked about acquiring the strip on the edge. Lulfs said it is by West School. We may not get an easement. We have a \$225,000 grant for this project. It must be wide enough for storm, sanitary and water. The Scott St. design is complete. We hope to bid the first of the year if ODOT signs off. We would advertise on January 1 and hope to start in mid-March. Helberg asked Lulfs to bid the Scott St project in early December if possible.

Lulfs got ODOT to remove the train trestle on 424. We were going to replace the joints where there are bumps on E. Riverview, but ODOT agreed to do this at a savings of over \$100,000 to us. We got a grant for sidewalks under Rt. 24. The roadway is in bad condition there. We're responsible for 20% of construction and all engineering costs. Our consultant recommended another grant for that. If we don't get it, we'll be responsible for the design costs of \$260,000 on this \$2,000,000 project.

They plan to have traffic circles north and south of the bypass and sidewalks on the west side only.

We will do asphalt work for parking at the canal basin. This will be paid with a grant. Previously, downtown grant money was given to merchants. In the second round, we were recipients of \$72,000 and spent \$12,000. We intend to spend the other \$60,000 on parking. The grant match was bricks for the downtown sidewalks.

The garage rotary fund is an internal service fund that gets billed out. Having a 24-hour operation is expensive. We bill ourselves for this. Helberg suggested billing out more so the loss gets prorated among users to get it back into the general fund.

Jeff Rathge, Operations Superintendent, said he is requesting a mini-excavator. We have three backhoes, but they are rubber-tired and can't reach as far as the mini-excavator. McColley asked if they could get rid of one backhoe. Rathge said they could. The oldest one is at least 15 years old. Lulfs said the contractor's price is \$90,000. He will look on the State contract for a price. Behm asked if it would be cheaper to rent. Rathge said we would use it more if we didn't have to rent it. Electric is renting one now for the substation. Maassel said we should go down to two backhoes if we buy the mini-excavator. Lulfs said the general rule of thumb is not to increase the fleet.

The Hudson Street waterline is our CDBG project for next year. We will increase the waterline from 1" to 6". The Strong Street Project will be coming to Council on Monday night. Ohio Street has some rusty water, but we don't have the money to fix it now and don't want to shut Ohio St. when Scott is shut down in 2013, so we may come back with it in 2014.

The landfill is closing. We will probably go to Defiance. This will have the biggest impact at unlimited pickup time. Fuel will be a big cost. We included money to replace recycling bins. We gain some money on the revenue side of recycling, but not off paper and plastic. Many cities have gone to robotic equipment for pickup or to privatization. We haven't had to because we have people who do it for free. Other cities come to look at our program and the yard waste site. We have a new recycling truck, but need to replace a garbage truck for about \$150,000.

We budget 3% for workers compensation, but this varies year to year and can be confusing in budget figures. The fuel rotary account represents credits cards for getting fuel in vehicles and changed heads on the tanks (\$100,000). We want to be sure emergency operations have enough fuel to operate. It is easier to track fuel with the cards. President Helberg excused himself from the meeting temporarily.

## Municipal Court

TIME: 11:20 AM

Amy Rosebrook, Municipal Court Judge, said the 2013 budget is higher than the current one. The City went without a salaried judge for a few months in 2012. When the police department files charges, a person is entitled to court-appointed counsel. If the police file this charge under State code instead of City, the county picks up the court-appointed counsel expense. If it is filed under the City, the bill goes to the City. We collected just under \$145,000 more in fines and costs in 2012 than 2011. Many of the court funds can only be used for specific costs.

Changes need to be made to the court's computerization. Dan Wachtman recommends a new server. We have to get an increase for credit card costs. We are trying to get epayments done at a lesser expense by working with Defiance. Epayments was in last

year's budget for about \$18,000. We project bringing in \$35,000. We have \$22,000 available and can spend \$18,000. This will bring it down to \$2,000-3,000 that is not in the budget now. She will encumber that money before December 31, 2012. Base court costs were \$75 in 2010, \$80 in 2011 and will be \$90 in December 2012. We can't increase court costs anymore.

Bisher said the court had \$19,250 approved for 2012 in the 5700 account. He was told they were spending \$250. He didn't know they were spending \$19,000 and counted on that money being there. He can change that, but it won't be available in 2013. Judge Rosebrook said Bisher didn't know about it. She thought the website would be up by now. Bisher said we will probably go back into the general fund for this.

Heath suggested adding conveyance fees on the bills of people using credit cards. The judge said that is why epayments would be less. She doesn't know if they will pay by credit card or cash. She can't add a service fee afterwards. We want to have a computer terminal in the lobby. Heath said we take credit cards but add the fee to the bill. (Hershberger arrived.)

***Review Possibility of  
Combining Court  
Server with City Server  
Referred To 12/3/12  
Technology  
Committee Meeting***

Mayor Behm asked where the extra revenue goes. Rosebrook the money that was collected was old stuff. It is divided up to various funds mandated by the State. The county and State get the majority of it and we get a little. 60% goes back to the State. Collecting \$150,000 doesn't do much locally. McColley asked if the court server tied to servers here. Wachtman said he would like to talk about that at the next Technology Committee meeting. President Pro-Tem Lankenau assigned *Review Possibility of Combining Court Server with City Server* to the December 3, 2012, Technology & Communication Committee.

**Law Department**

**Additional Request  
Asst. Law Director:  
\$35,540**

TIME: 12:00 PM

Trevor Hayberger, Law Director, and Sheryl Rathge, Executive Assistant  
Hayberger said he got rid of the City car for his department and increased the T&E budget. A court cost case in Cuyahoga County ran through the budget this year. He had three jury trials so far this year. Rathge said we hadn't had three jury trials in the last 7 years. Lankenau said our judge doesn't take the recommendation of prosecutors. Hayberger's additional request is a part-time Assistant Law Director at a cost of \$35,000 maximum. He hopes to keep this at \$25,000 for all day Monday and Thursday plus Tuesday and Friday morning. (Helberg returned.)

**Human Resources**

TIME: 12:10 PM

Bisher said Gloria Mikolajczak, Human Resources Director, is retiring as of November 30, 2012. He hasn't advertised for the position, but intends to fill it. Heath said it is not anticipated to be filled until February 2013. Mayor Behm urged Council not to replace this position. McColley said a Human Resources (HR) firm could be used and Hayberger can do some of the things. The county handles it that way. Bisher funded the position for 10 months. Next year includes 3 sets of union negotiations. McColley suggested talking to someone from an HR firm. Bisher detailed a recent situation where the HR person worked three days on getting our insurance company to allow an employee's spouse who has cancer to stay in a nursing home. They wanted to kick her out. He and Hayberger don't have that kind of time to spare. He is not intending on hiring until March 2013. Lankenau said this can be discussed with the performance auditors.

Lankenau is opposed to getting a part-time Assistant Law Director. We just reduced the cost of the Law Director from \$125,000 to \$64,000. He doesn't want to add another \$30,000. The job was part-time fifteen years ago.

**Building & Zoning**

TIME: 12:20 PM

Tom Zimmerman, Building & Zoning Inspector’s budget is the same as last year or less in every area except salary which is an additional 2%. We will be able to demolish four houses with the Moving Ohio Forward Grant. It costs about \$6,000-\$10,000 to demolish one house.

**MIS Administrator**

TIME: 12:25 PM

Dan Wachtman, MIS Administrator, could retire at any time. His payout accruals were included in the budget at a cost of \$33,900. Most of the contract maintenance cost is for the phone system, webhosting and Brightnet. We use Sonic Systems or Christopher Badenhop to help get projects done. The rest is maintenance and software/hardware. McColley noted that from 2011 to 2012 salary cost went from \$58,000 to \$78,000. Bisher said Wachtman is eligible to retire so we paid out some of his vacation time this year. McColley asked if there is a cap on the number of hours an employee can use per year. Heath said the policy says employees can carry over 80 hours total per year. Bisher said Wachtman is working on using his accrued time. He took \$20,000 of the money this year.

Heath said he would like the City to consider restructuring to add someone in the IT department. We could contract or have someone here do it. We are asking Wachtman to do a lot. It is frustrating when things don’t get done. We want things put on the website, payments, etc. Bisher said Wachtman is good at stringing fiber and fixing antennas, but training classes are not his thing. Wachtman said he can retire, but it would be nice to have someone in place if he decides to go. Heath said we are doing our backup on our own server and not getting a report anymore. This is a critical area.

Bisher said we are not covered as we should be. Heath said we have disparate systems all over. There is no consistency of upgrades. This is the first major upgrade in 7-9 years. We need to have someone who understands flow charts. There are over 100 computers plus some in vehicles. McColley suggested approaching the county to participate. Bisher said they pay us for these services. McColley said they need someone more dedicated to their operations. It would be a good time to approach them.

Lankenau asked about backup of data. Wachtman said we have a fiber ring and have links all over. We back the server with data up to one hard drive and it backs up to another drive at a predetermined time within our loop. That drive is backed up to another drive at another geographic location. Heath said we do a tape backup each day. Wachtman said we have huge amounts of data for cloud backup. Heath said everything is headed to the cloud. Bisher said we are still running in-house. Todd Wachtman is the backup along with contract people. Ridley said the State auditors may report on this. It could be discussed in the Technology Committee.

***Review The Possibility Of An Additional IT Person Referred to Technology & Communication Committee***

President Helberg referred *Review the Possibility of an Additional IT Person* to the Technology & Communication Committee.

**Wastewater Treatment**

TIME: 12:48

Matt Bilow, Wastewater Treatment Plant Superintendent, said we want to extend our time on findings and order. The EPA does not react to political pressure or whether you did a good job in the past. They react better when you do things to cause less pollution. We would like to spend almost \$500,000 for two effluent pumps and a UV reactor. This will help extend or change the Long Term Control Plan (LTCP). When we built the EQ Basin for \$8,000,000, we built two channels for water to go through

**Parks & Recreation  
and Cemeteries**

UV, but we only put light bulbs in one side. The cost to do this is \$225,000 which is significantly less. We are currently leasing a hydraulic unit. That company is being bought by another company and this is their cost. We use it every day. The final effluent goes through it. The original UV was \$600,000. It is at the end of the EQ Basin. Another one would maximize the water we could put through the Basin. This allows for additional primary treatment and assures that 95% of the water won't have a discharge. We have to get down to below four a year. With this equipment we probably wouldn't have four. That pollution doesn't go in the river and that makes the EPA happy.

Maassel asked if this money should be spent on projects instead. Lulfs believes using this will equipment will influence the EPA in our favor. We are in negotiations with them now. We will never see this price again. We put \$55,000 in the budget for the #1 mechanical screen just in case it's needed. We had to redo #2 screen two years ago. (Sheaffer joined the meeting by phone.)

TIME: 1:12 PM

Tony Cotter, Parks & Recreation (P&R) Director, said we added beer sales and credit cards in 2012. We netted about \$3,000 for beer sales since July 1. We had a poor year last year due to the flood. We rebounded somewhat but not to the level we were hoping. It was a hot summer and not as many people were golfing. We are missing the 20-35 year old demographic at the course. Seniors play exceeded our projections. Local golf courses are in a price slashing game to generate cash. He is proposing cutting prices. Golfers are looking for a bargain. We would rather have somebody than nobody. A private company would not want to buy the course because of flooding and there is no way to add 9 holes.

Mayor Behm said citizens voted for the P&R levy and the department should operate from that. Citizens can argue with the P&R Board about how to spend this money. We lose over \$90,000 on the pool, but can't afford to put water pipe in for residents with brown water. Bisher said there are times when we use P&R people in other than P&R things. We don't bill these costs to operations but maybe we should, to show how much is actually P&R expense.

Bisher said we cut one person from the Senior Center and one program and raised rates. He talked to the Board about this last night. It's in the budget now with a \$30,500 subsidy. McColley said Cotter has done a good job bringing Council's wishes to the Board, but they haven't been receptive. Bisher said we hope the Senior Center will put the former recreation person back in their budget as of 1/1/2013. If not we will have to pay unemployment compensation for her.

Lankenau said the projected subsidy for 2012 is \$-30,560. Revenues less expenses with no carryover equals \$-123,600. McColley said they have to keep cutting. Heath said capital improvements are paid 100% by the City of Napoleon. We added a new park on the south side of the bridge recently and P&R has to maintain it. Oberhaus Park has to be maintained. McColley said the Board talked about selling some of those parks at a previous Board meeting. Cotter said they discussed two: Wayne Park and the one by the hospital. Both were given to the City many years ago. We outgrew our .2% levy 10 years ago. The Board considered raising the rate, but decided it was better to try for a permanent levy.

Council made recommendations the Board was not comfortable with to implement recreation program user fees. This met with opposition. The Board is cognizant of the budget crunch and trying to be diligent in finding ways to raise revenues and cut costs

without cutting services. Mayor Behm said we don't have time to move in that direction. We are borrowing every year. Lankenau said we have to charge user fees or cut services or pass another .1% levy. McColley said the P&R Board took an important step, but it may not be enough.

Helberg said we gained support from people who pay taxes but don't have kids in the program. McColley said everyone uses water, sewer, and electric. Bisher said if we charge fees, \$23,000 was based on the current participation rates. We may not have the same participation rates with fees. It depends on how they structure fees. Lankenau said they can increase the levy or cut programs. We can't get there just with user fees. They need to live within their budget. Ridley said we may get some guidance from the performance auditors.

McColley asked about building a smaller pool. Bisher said it's personnel and based on the ratio of kids to lifeguards. Ridley said we made some inroads and the audit report will give direction. Heath said people voting on the levy can be reminded that P&R has to maintain the parks. Helberg said P&R was not intended to be completely self-sufficient. We talked about it being a subsidy. Heath said at one time the number was \$60,000 including capital.

Cotter said a permanent part-time position was eliminated for the summer arts & crafts program. We hope a private entity will take it over. We will take the old golf carts to auction. We are required to put in an ADA accessible pool lift at a cost of \$6,500. This lift cannot be shared with the high school or anyone else. The deadline is March 2013. We will take out some old playground equipment that doesn't conform to safety rules. Heath suggested asking Rotary to put new equipment in. Cotter said Rotary prefers Oberhaus Park. Bisher said schools have playground equipment that should be available within two years. As the old buildings come down, we may be able to get some of it. Cotter said we paved the entry drive at Oakwood. The back large lot is still stone. It is expensive to pave. We want to chip and seal.

## **Water Treatment**

TIME: 2:08 PM

Scott Hoover, Water Treatment Plant Superintendent, said salaries are down due to retirement. We hired three new people this year. Training them costs more. They have to go to school and get licenses. Our plant is a Class III. Hoover is the operator of record and must have a Class III license. There is paint failure on the water tower. It needs recoating within 5-6 years.

The water plant needs significant improvement. We have to make decisions. There is not much in this budget for that. Mayor Behm asked if any money is available for emergency repairs or carryover. Heath said a \$1,800,000 note was issued for renovation of the plant. We could expend it for an emergency. Hoover said we have to have lime slakers and meet the LT2 rule by 2014. We don't have standby generators. Ours will not run for more than an hour. Bisher said Council will make a decision soon. They need to be aware of the position Hoover is in.

## **Additional Request Seasonal College Intern: \$4,560**

Hoover made an additional request for a seasonal position for a college intern from May through August. This position would be trained to help do additional testing with the TTHM meter during the summer months. There will be mandatory stage 2 testing in 2013. The department does not have the manpower to run this meter the way they would like during this important testing period. The request is for a total of \$4,560.

## **Motion To Go Into Exec Session**

Motion: Lankenau                      Second: Maassel  
To go into executive session at 2:22 PM to discuss the purchase of property



having officers write citations on State code instead of City code.

**Electric Department**

TIME: 4:02 PM

Dennis Clapp, Electric Superintendent, said there was a mistake in non-bargaining overtime. This should be \$11,000. He is short on trained lead linemen. Greg Kuhlman goes on jobs where two people are needed until we get the new guys up to speed. Some positions were promoted from apprentices to linemen.

Clapp said AMP has a program through Mesa for GIS. This uses satellite technology to tell where all the electric stuff is. McColley said the City might be able to piggyback on the county for this. They have the technical expertise to do this now. Clapp said we included \$10,000 for traffic signals to buy optical detection equipment. If it works, we hope to do all intersections eventually. The downtown lamps are all done.

We need to replace the 1995 substation service truck. The safety stuff is starting to fall apart and we can't get it fixed. It needs a sliding boom. The 2002 Dodge Dakota is out of service and can't be fixed. It stalls out or the transmission locks up. We want to buy a hybrid for \$35,000, maybe off the State contract. We want to replace the 1999 Dodge pickup. There are problems with transmission and steering. We need a copier for the service building. We are spending lots of money on maintenance due to dust. This will cost about \$10,000.

Heath said the diesel dust in the service building is horrible. There is no positive pressure and nothing to stop the dust from going in. Wachtman is having problems there with computers due to diesel dust. We should look at re-engineering the building. Mayor Behm suggested taking money out of the electric fund to pay for it. Bisher said we could do that because they are housed there.

Clapp said switches need to be replaced for the 69 KV loop at a cost of \$40,000, oil containment (SPCC) \$20,000. Getting rid of the last two oil breakers will do away with oil containment costs. Hi-Pot Tester \$10,000. It is less expensive to buy this and do testing ourselves than have a testing company come in. We can save money in one year of testing. Industrial substation feeder replacements \$28,000.

**Motion To Adjourn**

Motion: McColley                      Second: Hershberger  
To adjourn the meeting at 4:45 PM

**Passed  
Yea-4  
Nay-0**

Roll call vote on above motion:  
Yea- McColley, Lankenau, Hershberger, Helberg  
Nay-

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John A. Helberg, President

**Approved:  
November 19, 2012**

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Ronald A. Behm, Mayor

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Gregory J. Heath, Finance Director/Clerk of Council

**City of Napoleon, Ohio**  
**CITY COUNCIL**

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**Special Meeting Minutes**  
Saturday, November 3, 2012 at 8:00 AM

**PRESENT**

**City Council**

**Finance & Budget  
City Staff**

**Recorder**

**ABSENT**

**Call To Order**

**Mayor's Budget  
City Manager Budget**

**ED - CIC Contract**

John Helberg - President, Jeff Lankenau – President Pro-Tem, Travis Sheaffer (arrived at 8:22), Jim Hershberger, Patrick McColley, Chris Ridley, Jason Maassel  
Chris Ridley - Chair, John Helberg, Jason Maassel, Mayor Ron Behm  
Dr. Jon A. Bisher, City Manager  
Gregory J. Heath, Finance Director/Clerk of Council  
Christine Peddicord, Assistant Finance Director  
Barbara Nelson

None

President Helberg called City Council to order at 8:20 AM.

Heath said he would go through the remaining budgets with the Committee and Council today. He noted that State legislation regarding municipal income tax has been presented and has a bill number. The Chambers of Commerce are for these changes. This could cost us anywhere from \$300,000-\$500,000 per year. (Sheaffer arrived.) Bisher said businesses say it is expensive to file income tax in multiple locations. They want it to be like school systems on the State tax form. Heath said part of this is a residency issue. You pay only where you live, not where you work. This legislation is subject to amendment at the last minute. He recommends opposing it. This is a home rule issue. The State has already taken \$500,000 out of our general fund. If Council needs to go to Columbus to lobby, there is money in their travel/training account.

Heath reviewed the Mayor's budget and City Manager budget.

Heath said utility billing is funded for reimbursement through utilities. We are converting to upgraded software through CMI, but it has been slower than anticipated. It should be in place before January 1, 2013. We are contemplating taking a credit card at the front counter. Bisher said AMP did a survey and almost all cities charge back the credit card fee. Heath said the agreement from MasterCard and Visa just changed this year stating that government units can pass on the conveyance fee. He recommends taking credit cards at the front counter, but adding on a set fee. He believes the judge can pass these fees on also. The Court has \$20,000 per year in conveyance fees.

Economic Development – CIC Contract

Heath said prior payments were the payoff of infrastructure for Commerce Drive which was finalized in 2011. There is enough balance to pay for this year and next year, but then there is no funding source. McColley suggested selling some of the parks. Helberg said we talked about increasing the contribution to have the CIC Director contract with Glen Grisdale. Bisher said if we pay extra this year, we won't

have enough money for next year's contract. Helberg said the CIC can't have infrastructure information available in quick fashion with the staff they have now. With Grisdale the CIC could give information back to interested companies right away. Mayor Behm suggested trying this for a year to see if it works, then making a decision.

Bisher said he didn't get a request from the CIC for this. Helberg said the CIC wanted another \$20,000 from each of the City and the County. The County is waiting to see what the City is doing. McColley said a new director may have a different direction. We could wait until they get a new director. Helberg said the new director will be an employee of the County to pay benefits, but will still answer to the CIC. He prefers to put the \$20,000 in the budget now. The impetus is Fort to Port. We have to be ready. Bisher said the CIC used to have three planners. The basis of economic development is having parcels, zoning, annexations, etc. available. Companies won't wait for us to argue about these things.

**Motion To Fund CIC  
An Addtl \$20,000**

Motion: Lankenau                      Second: Ridley  
To fund the Henry County CIC at an additional \$20,000

**Passed  
Yea-7  
Nay-0**

Roll call vote on above motion:  
Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer  
Nay-

Heath reviewed more of the small funds with little discussion except for:

Special Assessment Debt Listing – Payments from Ohio Rural Water Sewer Commission (ORWSC)

Heath said this has to do mainly with Ag Districts. Lankenau said it makes property unmarketable. Ridley asked if it is feasible that the City absorb this cost if someone wants to buy property. Helberg said it could be used as a development tool. Lankenau said it wasn't one property owner's idea to make his property an Ag District. The City asked him to do it to get their money from the State upfront instead of in 20 years. He wants to sell the property as farmland. Bisher said as long as he is keeping it in agriculture it is okay. Heath said, in his opinion, Council has the ability to approve or not approve an Ag District and force the owner to pay. We have to track it for 50 years sometimes. We could refuse to accept this money in the future, and assess the property instead. Bisher said this was implemented for farmland preservation, to keep developers from eating up farmland. It was designed to help farmers to not have to sell the family farm. Sheaffer asked what % is needed to qualify. Heath said 10 acres or \$2,500. Bisher said the property had to be farmed.

Capital Improvement – Finance

Those present discussed installing handicap accessible door openers on the utility billing doors. The cost is \$2,470 per door. It was agreed to install openers on doors on the utility side. Anyone wanting to attend a meeting can enter the building through those doors.

Debt Summary

Those present reviewed the debt summary. Heath said the first 5 pages is debt we currently project as of 12/31/13. Lankenau asked what we will do with the \$1,800,000 for the water plant. Heath said we haven't spent much. When we re-issue debt, we

will reissue it with a different definition. Bisher said it can remain short-term debt. We can pay it off and issue the same number with a new purpose clause. Heath said we have to keep our water plant operating in the meantime. Lankenau asked which notes on the amortization table have call features. Heath said he will check and find out.

**Additional Request**  
**New Income Tax**  
**Administrator**  
**Transition: \$18,120**

Heath made an additional request for the early hiring of an Income Tax Administrator to work alongside the retiring Income Tax Administrator who is projected to retire June 30, 2013. This would allow for training and transition at a projected cost of \$18,120.

**Other Additional**  
**Requests**

Other additional requests are for an Assistant Law Director, 2 Seasonal Employees in Engineering, and 1 Seasonal Person in the Water plant to help with water testing, etc.

Helberg asked if the State will inspect the Scott St. job. Heath said we can do the inspection, but we have to meet State standards. Rex won't have time to do anything but Scott Street. That is why they requested two positions. Bisher said Council usually asks questions on Monday night and goes into Executive Session to make a decision on additional requests. Heath said the budget is a fluid document. Once you pass it, it is a spending plan. You can amend it anytime. Lankenau said the budget should be finalized Monday night. Heath said we will need legislation on or before January 1, 2013. The first pay in January starts the last week of December. Heath asked if anyone wants CDs of the budget. Helberg would like one after revisions are made.

**Motion To Go Into**  
**Exec Session**

Motion: McColley                      Second: Lankenau  
To go into executive session at 11:10 AM to discuss compensation of personnel

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer  
Nay-

**Motion To Come Out**  
**Of Exec Session**

Motion: Ridley                      Second: McColley  
To come out of executive session at 11:40 AM

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer  
Nay-

President Helberg said Council went into Executive Session to discuss compensation of personnel. No action was taken. We will proceed with legislation as presented.

**Motion To Bring**  
**Legislation For 2%**  
**Increase**

Motion: Lankenau                      Second: Ridley  
To direct the Law Director to bring legislation forward to reflect a 2% increase for all non-bargaining employees effective the first pay in 2013, including Dr. Bisher, Greg Heath and Trevor Hayberger

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer  
Nay-



City of Napoleon, Ohio  
**CITY COUNCIL**

**Meeting Minutes**

Monday, November 5, 2012 at 7:00 PM

<b>PRESENT</b>	
<b>Council</b>	John Helberg - President, Jeffrey Lankenau, Travis Sheaffer (arrived at 7:17), James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel
<b>Mayor</b>	Ronald A. Behm
<b>City Manager</b>	Dr. Jon A. Bisher
<b>Law Director</b>	Trevor M. Hayberger
<b>Finance Director/Clerk</b>	Gregory J. Heath
<b>Recorder</b>	Barbara Nelson
<b>City Staff</b>	Robert Bennett, Fire Chief Chad Lulfs, City Engineer Robert Weitzel, Police Chief
<b>Others</b>	News Media, NCTV
<b>ABSENT</b>	
<b>Council</b>	None
<b>Prayer</b>	President Helberg called the meeting to order at 7:00 PM with the Lord's Prayer.
<b>Approval Of Minutes</b>	Minutes of the October 15, 2012, Council meeting stand approved.
<b>Citizen Communication</b>	None
<b>Committee Reports</b>	<p>The Parks &amp; Recreation Committee did not meet on Monday, October 15 due to lack of agenda items.</p> <p>Chairman Ridley reported that the Finance &amp; Budget Committee (F&amp;B) met on Monday, October 22 and recommended approval of 3<sup>rd</sup> quarter budget adjustments and approval of the proposed contract with Schonhardt &amp; Associates for annual GAAP &amp; CAFR reporting.</p> <p>F&amp;B met on Oct. 29 in special joint session with City Council and discussed <i>Potential Future Assessments on Projects, Proposed Revenues for 2013 Budget</i> and <i>Proposed Personnel Costs for 2013</i>. Council approved that the date in Ordinance No. 088-11, Section 1(a) be changed to January 1, 2013 and that numbers be changed to 62%/38% for 2013; to leave in Section 1(b) and target 50%/50% for January 1, 2014; and to direct the Law Director to bring back this legislation.</p> <p>F&amp;B also met in special joint session with City Council on Friday, Nov. 2 and Sat., Nov. 3 with the following agenda item: <i>Review of 2013 Budget Proposals</i>. Heath and Bisher did a fantastic job putting the budget all together.</p> <p>The Safety and Human Resources Committee did not meet on Oct. 22 due to lack of agenda items.</p>
<b>Introduction Of Ordinance 070-12</b>	President Helberg read by title Ordinance No. 070-12 An Ordinance amending Section 121.03 of the City of Napoleon Administrative Code and Rule 6.5 of the Rules and Regulations of City Council regarding publication of legislation by summary.
<b>Motion To Approve First Read</b>	Motion: Lankenau      Second: Hershberger To approve first read of Ordinance No. 070-12

<b>Discussion</b>	This ordinance allows legislation to be published by summary. Rather than saying all legislation can be published this way, the language was changed from <i>1,000 words</i> to <i>1 word</i> in order to comply with the Charter. Legislation will be published on the State website. This will save a lot of money. Heath noted that this affects ordinances and resolutions, but legal notices are still required to have full publication. Bidding notices can be published once, then posted on the State website.
<b>Passed</b> <b>Yea-6</b> <b>Nay-0</b>	Roll call vote to approve first read of Ordinance No. 070-12 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley Nay-
<b>Introduction Of Resolution 071-12</b>	President Helberg read by title Resolution No. 071-12 A Resolution authorizing the expenditure of funds and an agreement for financial consultant professional services with Schonhardt and Associates for preparation of the City CAFR, GAAP reports and infrastructure cost information for GASB-34
<b>Motion To Approve First Read</b>	Motion: Ridley Second: Hershberger To approve first read of Resolution No. 071-12
<b>Discussion</b>	Heath said this deals with preparation of financial statements in GAAP format and preparing the CAFR for 2013 & 2014. He requested suspension so that legislation can be in place by the end of the year for Schonhardt's preliminary review.
<b>Motion To Suspend The Rule</b>	Motion: Lankenau Second: Hershberger To suspend the rule requiring three readings
	Ridley verified that the former discrepancy on the contract copy regarding the appendix was corrected.
<b>Passed</b> <b>Yea-6</b> <b>Nay-0</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley Nay-
<b>Passed</b> <b>Yea-6</b> <b>Nay-0</b>	Roll call vote to pass Resolution No. 071-12 under suspension of the rule Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley Nay-
<b>Introduction Of Ordinance 072-12</b>	President Helberg read by title Ordinance No. 072-12 An Ordinance supplementing the annual appropriation measure (Supplement No. 4) for the year 2012
<b>Motion To Approve First Read</b>	Motion: Ridley Second: Hershberger To approve first read of Ordinance No. 072-12
<b>Discussion</b>	Heath said this was presented and approved by the Finance & Budget Committee. There was one addition after that meeting. A total of \$4,100 was added to the 521 fund due to change orders that put it in the red. Heath requested suspension in order to put these changes in place.
<b>Motion To Suspend The Rule</b>	Motion: Ridley Second: Lankenau To suspend the rule requiring three readings
<b>Passed</b> <b>Yea-6</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

<b>Nay-0</b>	Nay-
<b>Passed</b>	Roll call vote to pass Ordinance No. 072-12 under suspension of the rule
<b>Yea-6</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley
<b>Nay-0</b>	Nay-
<b>Introduction Of Resolution 073-12</b>	President Helberg read by title Resolution No. 073-12 A Resolution amending the allocation of funds as found in Section 193.11 of the Codified Ordinances of the City of Napoleon, Ohio
<b>Motion To Approve First Read</b>	Motion: Ridley Second: McColley To approve first read of Resolution No. 073-12
<b>Discussion</b>	Heath said this came out of the initial review on the budget for the allocation of net income tax receipts. It matches what has been done for the last several years. There is a target of a 50/50 split for 2014. Heath requested first read with suspension at the next meeting in order to finalize the budget.
<b>Passed</b>	Roll call vote to approve first read of Ordinance No. 073-12
<b>Yea-6</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley
<b>Nay-0</b>	Nay-
<b>Introduction Of Resolution 074-12</b>	President Helberg read by title Resolution No. 074-12 A Resolution amending Resolution No. 081-10 to amend the pay frequency of Council members and the Mayor of the City of Napoleon, Ohio
<b>Motion To Approve First Read</b>	Motion: Ridley Second: Maassel To approve first read of Resolution No.074-12
<b>Discussion</b>	Heath said this legislation has been changed to allow each Council member and the Mayor to determine their pay frequency. This does not affect compensation. It will be effective on January 1, 2013. (Sheaffer arrived.)
<b>Passed</b>	Roll call vote to approve first read of Ordinance No. 074-12
<b>Yea-7</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer
<b>Nay-0</b>	Nay-
<b>No Action On 075-12</b>	Hayberger said we are trying to work out an agreement with ODOT. We put Ordinance No. 075-12 on the agenda hoping it would be ready, but it is not.
<b>Second Read Of Resolution 064-12</b>	President Helberg read by title Resolution No. 064-12 A Resolution authorizing the adoption and approval of the Henry County Natural Hazard Mitigation Plan
<b>Motion To Approve Second Read</b>	Motion: Ridley Second: McColley To approve second read of Resolution No. 064-12
<b>Discussion</b>	Bisher said there have been no changes since the last reading.
<b>Passed</b>	Roll call vote to approve second read of Resolution No. 064-12
<b>Yea-7</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer
<b>Nay-0</b>	Nay-
<b>Second Read Of Ordinance 067-12</b>	President Helberg read by title Ordinance No. 067-12 An Ordinance amending Chapter 925 of the Codified Ordinances of the City of Napoleon (waste collection) to

	establish Section 925.13(D) Low Occupancy
<b>Motion To Approve Second Read</b>	Motion: Ridley      Second: Lankenau To approve second read of Ordinance No. 067-12
<b>Discussion</b>	Heath said there have been no changes since the last reading.
<b>Passed</b>	Roll call vote to approve second read of Ordinance No. 067-12
<b>Yea-7</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer
<b>Nay-0</b>	Nay-
<b>Second Read Of Ordinance 068-12</b>	President Helberg read by title Ordinance No. 068-12 An Ordinance vacating a certain alley located in the original plat of the Village (now City) of Napoleon, Henry County Ohio
<b>Motion To Approve Second Read</b>	Motion: Maassel      Second: McColley To approve second read of Ordinance No. 068-12
<b>Discussion</b>	Bisher said Snyder's alley runs east/west not north/south as previously stated.
<b>Passed</b>	Roll call vote to approve second read of Ordinance No. 068-12
<b>Yea-7</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer
<b>Nay-0</b>	Nay-
<b>GOOD OF THE CITY</b>	
	<u>Discussion/Action</u>
<b>Bid For Indiana Ave. Sanitary Sewer Replacement</b>	Lulfs said bids for the Indiana Ave. Sanitary Sewer Replacement Project were opened on October 24. There was one bid and it came from Vernon Nagel in the amount of \$37,475.00. The project estimate was \$41,000. This bid is lower than the estimate; Lulfs recommended accepting it.
<b>Motion To Award Bid To Vernon Nagel, Inc.</b>	Motion: Hershberger      Second: McColley To award the bid for the Indiana Ave. Sanitary Sewer Replacement to Vernon Nagel, Inc. in the amount of \$37,475.00
<b>Passed</b>	Roll call vote on above motion:
<b>Yea-7</b>	Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer
<b>Nay-0</b>	Nay-
<b>Plans/Specs For Strong St., Welsted St. &amp; Orwig Ave. Waterline Replacement Project</b>	Lulfs said he had the plans put back together combining Strong St., Welsted St. and Orwig Ave. as directed by Council. The project estimate is \$300,000. We will advertise and open bids in 2012, but will not award the project until the 2013 budget is in effect. This timing won't delay the process more than a week or so due to the holidays. We can issue a letter of intent if needed. Strong St is to be completed and put in operation first and within a limited amount of time. Lulfs said the cost to do this will be about \$1,500.00.
<b>Motion To Approve</b>	Motion: Hershberger      Second: Sheaffer To approve plans and specifications for the Strong St., Welsted St., & Orwig Ave. Waterline Replacement Project
<b>Passed</b>	Roll call vote on above motion:
<b>Yea-6</b>	Yea- Lankenau, Ridley, Hershberger, Helberg, McColley, Sheaffer
<b>Nay-0</b>	Nay-

**Abstain-1**

**Good Of The City**

**(Cont.)**

**Heath**

**Abstain-Maassel**

Heath said the financial reports were not in the packet, but were handed out tonight. The 2013 budget books that were left here are updated. Supplements are available for those who took their books home. Dan Wachtman, MIS Administrator, will put a URL out tomorrow so Council can grab it and get the final budget changes. The law says a temporary budget must be ready by January 1, 2013 and it must be finalized by March 31, 2013. Mayor Behm agreed to present the budget to the City at the next Council meeting.

McColley said he had second thoughts about spending \$90,000 on a mini-excavator. He believes the money might be better spent on projects or roads. The City has 3 backhoes. When we retire a backhoe, we can talk about purchasing an excavator. Lulfs said this was listed as equipment for the water department because the primary operator is the water distribution foreman, but it would be used by several departments. Otherwise, we try to make our backhoes work. This has been a problem because we end up breaking them. McColley suggested taking the \$90,000 to use as a reserve for emergencies in the future. If something like the Strong St. problem happens, we will have some money set aside to fix it. He understands why a mini-excavator works better than a backhoe on some projects, but he hates to add equipment. Helberg said a mini-excavator is very compact and can get into some places that backhoes can't. Maassel said if we are renting the mini-excavator a lot, we will not be saving money. Lulfs said if we had a mini-excavator, we might be able to trade in one of our backhoes. The guys take good care of the equipment and could probably get another 5-10 years out of the 2001 backhoe. Bisher said he can take the money out this year and request it next year. In the meantime, we can get the needed information. Helberg said we could talk about it again in July if the reserved money hasn't been used by then. Bisher said Roger Noblit liked to have \$50,000 in a contingency fund. We can put \$50,000 in a contingency fund and \$40,000 will revert to the water fund.

Lulfs asked that the money stay in the budget as either contingency or equipment and he can do the research now about backhoe trade-in value, cost to buy the equipment on State contract, size and rental rates. He can also get a decent estimate on how many times we used a backhoe when we shouldn't have. We broke the teeth off the backhoe bucket a couple of weeks ago. Sheaffer asked if the equipment cost could be split between electric and water if both are using it. Heath said we could get a percentage to determine the split. We can leave it as a contingency pending approval of Council and won't include it on the master ordinance.

**Ridley**

Ridley questioned an expense of \$3,100 for rock salt when we have many tons already. Heath said this is a different kind of rock salt, used for the MIEX system.

**Maassel**

Maassel said someone complained to him about City workers using City vehicles and City time to bank at local banks. Heath said someone from the Finance department goes to banks twice a day and uses the City vehicle to do it. They pick up bills at Henry County Bank, First Federal and F&M Bank and they go back to F&M Bank in the afternoon. Maassel said it was not at those banks. Helberg suggested that Bisher discuss this with staff at tomorrow's meeting.

Maassel said he received a big packet of policies to read when he met with the payroll person. Some of the language seems old and outdated. He asked if it is still correct. Hayberger said he doesn't think it changed. The City has so many policies

for things. He would like to get rid of some of them. Heath said most policies are due to State and Federal mandates and liability.

Maassel congratulated the Napoleon High School girls soccer team, girls cross country team, Lady Cat water polo team and Napoleon football team for their accomplishments. He also thanked veterans for their service since Veterans Day will be over by the time Council meets again.

**Hershberger**

Hershberger – no items

**President Helberg**

President Helberg said there was a Letter to the Editor a couple weeks ago about City employees who retire and rehire. It said the financial effect is detrimental to both the City and PERS. Sheaffer said this would not affect the City of Napoleon. Heath said it helps PERS because it freezes a person's benefit at that level. Sheaffer said the employee still contributes to PERS. McColley said the employee will pay 10% of their salary to PERS and it goes to an annuity. The employer pays 14% and 7% of that goes to PERS. Heath said if this practice was a detriment to PERS, it would have been gone a long time ago. Police and fire do this without anyone knowing. Bisher said they call it a drop system and the City has no input on it. Sheaffer said the City benefits by keeping an experienced employee. The big argument is that the person gets retirement plus their salary. McColley said in some positions, this prevents people from moving up. Lankenau said there are many misconceptions about this. Mayor Behm asked why PERS is having trouble if this is true. McColley said the problem comes when people like township trustees work at low pay for a number of years, then get a high-paid PERS position for three years and their retirement is based on those three years. Bisher said this "spiking" was addressed in the new law for people starting new.

Bisher requested an Executive Session to finish up budget issues.

**Mayor Behm**

Mayor Behm – no items

**McColley**

McColley said the cord hanging down under the table gets in his way. Bisher said this will be fixed.

**Sheaffer**

Sheaffer- no items

**Lankenau**

Lankenau – no items

**Hayberger**

Hayberger – no items.

**Bisher**

Bisher got a request for mutual aid. One electric crew went to the Cleveland area shortly after the storm. He got another one from Delaware and will send a crew back east. Procedure for payment of mutual aid services was discussed. Bisher said he would like to discuss the water plant item that is tabled on the Water, Sewer, Refuse, Recycling & Litter Committee (WSRRL) agenda at the next meeting. Lankenau will not be there, but is fine with the Committee meeting without him. Helberg called a special Council meeting to allow Council members to comment if there is a quorum present. If a quorum is not present, the Council meeting will not be called to order. Sheaffer canceled the Electric Committee meeting for Monday, November 12. It was agreed that the WSRRL meeting and Council meeting would begin at 6:45 PM.

**Motion To Go Into**

Motion: Lankenau Second: McColley

<b>Executive Session</b>	To go into Executive Session to discuss compensation of personnel
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer Nay-
<b>Into Exec Session</b>	Council went into Executive Session at 8:09 PM.
<b>Motion To Come Out Of Exec Sess</b>	Motion: McColley Second: Sheaffer To come out of Executive Session. 8:54 PM
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer Nay-
<b>Out Of Executive Session</b>	Council came out of Executive Session at 8:54 PM. President Helberg reported that the discussion was regarding compensation of personnel with no action taken.
<b>Motion To Fund Two Engineering Personnel</b>	Motion: McColley Second: Maassel To fund the two engineering personnel for inspection as requested
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer Nay-
<b>Motion To Fund The Water Position</b>	Motion: Sheaffer Second: Ridley To fund the water position as requested
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer Nay-
<b>Approval Of Bills</b>	Bills and reports stand approved as presented with no objections.
<b>Motion To Adjourn</b>	Motion: Sheaffer Second: Lankenau To adjourn the meeting.
<b>Passed</b> <b>Yea -7</b> <b>Nay -0</b>	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer Nay-
<b>Adjournment</b>	Meeting adjourned at 9:00 PM.
<b>Approved: November 19, 2012</b>	_____ John A. Helberg, Council President  _____ Ronald A. Behm, Mayor  _____ Gregory J. Heath, Finance Director/Clerk of Council

**CITY COUNCIL**

**Special Meeting Minutes**

Monday, November 12, 2012 at 6:45 PM

**PRESENT**

**Council Members**

**Water, Sewer Committee  
City Staff**

**Recorder  
Others**

**ABSENT**

**Council**

**Call To Order**

**Discussion**

John Helberg – President, Jeffrey Lankenau, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel

Jeff Lankenau – Chair, James Hershberger, Christopher Ridley

Ronald A. Behm, Mayor

Dr. Jon A. Bisher, City Manager

Dennis Clapp, Electric Superintendent

Roxanne Dietrich, Executive Assistant

Trevor Hayberger, Law Director

Gregory Heath, Finance Director/Clerk of Council

Scott Hoover, Water Treatment Plant Superintendent

Robert Weitzel, Police Chief

Barbara Nelson

News Media, Jeff Leonard, John Lehner, Keith Engler, Tom Druhot, Mike DeWit

Travis Sheaffer

President Helberg called the meeting to order at 6:45 PM

Bisher said the reason Council called a special meeting is so members can comment and ask questions during the Committee meeting. No decision is expected from Council tonight. This is about the future for Napoleon's drinking water. (Ridley arrived.) There are four options that staff researched:

1. Rehabbing the present plant: This was almost 2 years ago. Since then, other options became available.
2. Doing a project with Defiance: This made sense. We took legislative action to apply for a grant to get facts on the cost and plans. This study has not been completed.
3. Archbold talked about delivering water to us.
4. If we didn't rehab the plant, building a new plant altogether.

Staff relied heavily on:

1. April 2011 study by Jones & Henry commissioned by the City of Napoleon. The new plant they were talking about was to be built on the present spot.
2. Another study was done in September 2012 which spoke directly about a new plant at a different site and using a different process. This study was also done by Jones & Henry, commissioned by the City of Napoleon.
3. Fulton County Water Supply Demand Study: Fulton County commissioners discussed this at an open meeting. Several Council members attended this meeting.

Bisher explained why staff believes Council should not wait until the Defiance study is complete. The study is ready to go out to bid and could be done within 6 months to 1 year. Bisher did \$1,740,000 cuts in the 2013 budget for things

that had to be done almost immediately at the water plant. Scott Hoover, Water Treatment Plant Superintendent, is here to talk about those cuts. We are not putting money in the current water plant and can't wait. The 2011 study said the slakers were nearing the end of their useful life and should be replaced. We cut lime slakers from the 2011 and 2012 budgets. Defiance had a bad accident due to operating old slakers. Our water operators are in that same position. We can't get replacement parts for feeders. Staff feels we can make a reasonable decision from the 3 studies.

Bisher went through the four options with explanations of why they were accepted or rejected:

1. Archbold seemed reasonable when we first looked at it. There would be a lot of line to be put in the ground. The Fulton County Study convinced staff and Council against this. The final conclusion in that study was, "As previously noted, the Maumee River is a surface water source with a dependable yield of 57 MGD that would meet the current and projected water demands. Through the existing intake, water from the Maumee River could be conveyed for treatment at Wauseon or to Archbold with additional infrastructure. While the location is south of the county line and there are issues with surface water intakes, the Maumee River presents the most dependable yield for Fulton County to have a county regional water system." Bisher said we have the water pool here. Why would we send water to Archbold and pump the finished water back? This is not the most efficient way to do it. On 11/8/12, Archbold's THM reading was just below 80. On 11/8/12, our THM reading was 64.
2. Defiance is on a different water pool than we have. Ours is Providence/Independence and they are above Independence. There are three rivers there. We would have to negotiate how to do this. It is not easily done if we are going to own a piece of their plant. Wauseon Reservoir negotiations took almost 2 years. There are issues with taste and smell with Defiance water. It would be our cost to fix.
3. The cost of rehabbing our plant from the 2011 study was \$13,424,000. There is a problem going into an old plant due to old pipes, etc. in the way. We need 1,000,000+ gallons of water per day output while we rehab. It could take 2-3 years to get this done.
4. A new plant per the 2011 study would cost \$25,000,000. The second study in September of this year looked at the problem differently. Staff asked Scott Hoover what he wanted. The proposed new plant would be located at a new site with a new process called reverse osmosis (RO), also called membrane. This is a new technology, but not cutting edge. This would cost approximately \$18,800,000. We included \$500,000 to tear down the old plant, but we may not want to do this. Staff met with our satellites. The Village of Liberty Center (LC) and the County Water/Sewer District (CWSD) said if the City can get them water that will meet EPA requirements, they would be partners in the new plant. We figured their cost based on last year's use. Our share would be \$15,000,000 and they would absorb the rest of the cost. The plant would be owned by the consortium. Staff recommends building a new plant through this consortium and recommended the following 6

actions:

- a. Legislation rescinding Defiance Co-op Agreement;
- b. Legislation to direct City Manager to negotiate an extension of the Wauseon Reservoir Agreement;
- c. Direction to consent to form the collaborative agreement to build plant with CWSD and LC. We need to take the lead.
- d. Legislation to redirect purpose of \$1,800,000 of issued debt on rehab of old plant to new plant;
- e. Legislation to expend \$100,000 for test study. We must have this to build the new plant and must start immediately. It may take 6 months or more.
- f. Authorize City Manager to negotiate any contracts needed to assist in procurement or building of plant with final approval of Council.

Helberg asked if rate studies have been done. Bisher said they have not, but he told John Courtney we would need this. It is budgeted. We have estimated some of the numbers to operate the new plant. The cost estimated in the study is \$525,000 per year including chemicals, power, personnel, but not the cost of repairing a truck, travel expense, etc. Bisher added in another \$75,000 for these costs to make it \$600,000 per year. Estimated operating costs of our plant for 2013 are \$831,000 and we did not include MIEX costs.

Lankenau asked what we will do with MIEX. Bisher said we will sell off parts. We should make at least \$1,000,000 to help pay down the \$3,500,000 debt on MIEX. This debt service is already in the rates. Any sale would help pay down the debt quicker. Rates should not substantially change. They always go up due to chemicals, personnel costs, etc. In this case, we could get grants. With the difference in operating costs, we could just about pay the debt service for our part of the \$7,500,000-\$8,000,000 and use that same money to service debt. There would be \$8,000,000 of new debt, but it shouldn't require a rate hike. It would be revenue based debt. The revenue stream is already there.

Helberg asked about the other \$8,000,000. Bisher said we are counting on 50% in grants. Doing this project with others makes the project more attractive for grants. Lulfs said he spoke to some organizations. Two of them are interested in taking this on. Both would put a large grant project forward. They received Federal funds and have to use them. Regionalizing is good in the competitive grant process.

McColley asked if the plant will operate 1/3 of the day. Bisher said the 2012 study assumes it is operating 8 hours per day. It is designed at 3.5 million gals/day. Hoover operates now with an extended single shift of 10-12 hours. We believe that is one savings cost off the top. We don't need 3.5 million gallons a day and can operate three shifts with the same amount of people. The numbers assume it is a one-shift plant, but it would probably operate better and be more efficient as a smaller plant operating 24 hours per day to drive down capital costs further.

Ridley asked if a membrane plant would not have issues with THMs. Bisher said we would be using UV for the primary disinfectant. The water must have certain chlorine retention before it leaves the plant according to the EPA. We will put chlorine in the system. If we eliminate almost all of the organics, we

don't get byproducts and THM problems are substantially reduced with the new process. Our proposed partners are spending money now trying to reduce THM issues. Hoover said the main thing is that the organics would be removed. That process will help with future regulations too. Bisher asked Hoover to explain the LT 2 rule that we must comply with by 2014. Hoover explained this requirement and noted that if we are changing to a new plant, we can ask for an extension to 2016.

McColley asked if the plant can be expanded in the future if the customer base expands. Bisher said a cell for RO produces 500,000 gallons in a 24 hour period. In 10 years, it may be that the City doesn't need more water, but the CWSD does. They can expand the plant using their capital putting in blocks of 500,000 gallons as needed. The plant will be easily expandable in blocks. Henry County has the most potential for expansion.

Ridley asked if the coalition of owners would set the water rates. Bisher said we would get output from our plant and set our own rates. LC and CWSD would set their own rates.

Maassel asked what will happen if we transfer debt from the old plant to the new plant and the old water plant breaks. Bisher said we put \$50,000 of contingency money in the 2013 budget. We may want to do part of the debt at this time and save some for the old plant.

Helberg asked if the \$600,000 expected annual cost includes the cost of raw water and sewage treatment. Bisher said the \$600,000 includes input and output cost. These are consortium costs. We would also have to recapitalize the water line to Wauseon as a consortium cost. \$600,000 is the cost to operate the plant. If it costs to pump raw water this year, it is included in the 2013 budget.

Helberg asked if sewage treatment costs would be in there. Bisher said they would not because we are not using that much water at the plant. It is not a problem with capacity. Capacity at the water treatment plant is a peak you reach and you have an overflow. We fixed that by putting in the EQ Basin. There should not be an issue for overflows or daily operations of water treatment. Hoover said there is also a large volume we send to wastewater now, about a ton of brine a day. Bisher said those costs are in the rates for the consortium. The water fund is not the healthiest of enterprise funds. We built in a 7% increase for 2013. The money is in the rates presently to service the debt. The old plant was built in 1965 and has operated 365 days a year since then. The new plant will set us up for another 40-50 years.

Helberg said we need a mechanism to charge raw water output. Bisher said he doesn't have those details worked out yet, but is aware of those issues and they are talking about them. The costs included pumping of raw water. We would recapitalize those assets and the use of the reservoir. Courtney can get a rate study done, but it is not a critical piece.

Mayor Behm said he was here last year and remembers that having the water plant rehabbed would have been a 50%-60% increase in rates. He brought this up in the State of the City address. When we received contact from Defiance and Archbold, he encouraged the City Manager to look at them. Bisher wants the City to retain control and he did due diligence. The two options left are

repairing the plant or building something new at a little more than the cost of repairs. The MIEX plant is costly and a new plant would eliminate that. A new plant would help with future regulations. Bisher and Lulfs did a good job looking at options. He has no complaints against their recommendation since they looked at everything.

Lankenau said we have been beating this horse for 5 years. This will solve a lot of our problems. It is time to move forward.

Hershberger commended Bisher for all the work he put into this. Bisher said staff did much of the work.

**Motion To Adjourn**

Motion: McColley                      Second: Maassel  
To adjourn the meeting at 7:50 PM

**Passed**  
**Yea-6**  
**Nay-0**

Roll call vote on above motion:  
Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Lankenau  
Nay-

**Approved:**  
**November 19, 2012**

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John Helberg, President

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Ronald Behm, Mayor

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Gregory Heath, Finance Director/Clerk of Council

**ORDINANCE NO. 075-12**

**AN ORDINANCE FOR THE CITY OF NAPOLEON TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE ON RIVERVIEW AVENUE IN EXCHANGE FOR ASSUMING OWNERSHIP OF RIVERVIEW AVENUE; AND DECLARING AN EMERGENCY**

The following is an Ordinance enacted by the City of Napoleon, Henry County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**WHEREAS**, the STATE has identified the need for the described project:

*Project Description*

Perform a preventative maintenance resurfacing Riverview Ave. (formerly also known as SR 424) from the Napoleon east corporation line to the Napoleon west corporation line in addition to the removal of a railroad truss structure. The work involved in this project is part of an earlier agreement between ODOT and the LPA, where this future project was a condition required by the LPA for assuming complete ownership and maintenance responsibility for this route. Now therefore, be it ordained by the Council of the City of Napoleon, Ohio:

**SECTION 1. Consent Statement:** That, this Council (LPA) determines it being a public interest to give consent to the Director of Transportation to complete the above described projects.

**SECTION 2. Cooperation Statement:** That, this Council (LPA) shall cooperate with the Director of Transportation in the above described projects as follows:

1) ODOT and FHWA shall assume and bear one hundred percent (100%) of the necessary costs of the State's highway improvement project. The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.

2) The LPA consents to having the State acquire all necessary rights of way for the subject projects in the name of the LPA.

3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the projects under its jurisdiction.

4) The State agrees to be the lead agency and to administer all phases of the projects.

**Section 3. Utilities and Right-of-Way Statement:** That, this Council (LPA) agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described projects shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations. The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 4. Maintenance:** That, upon completion of the Projects, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Projects under the jurisdiction of the LPA in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; 2) provide ample financial provisions, as necessary, for the maintenance of those portions of the Projects under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold

said right-of-way inviolate for public highway purposes.

**Section 5.** 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 6.** 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 7.** That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for effective legal services to be rendered to the City, including those legal services related to public peace, health or safety; 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: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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. 075-12 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*

CERTIFICATE OF COPY  
STATE OF OHIO

City of Napoleon, Henry County, Ohio

I, Gregory J. Heath, as Clerk of the City of Napoleon, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City, on the \_\_\_\_ day of \_\_\_\_\_, 2012 that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in: \_\_\_\_\_(Ordinance Record No.), Page \_\_\_\_ .

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Gregory J. Heath, Clerk of Council  
City of Napoleon, Ohio

(Seal)  
(If Applicable)

The afore going is accepted as a basis for proceeding with the projects herein described

For the City of Napoleon, Ohio

Attest: \_\_\_\_\_, City Manager, Date: \_\_\_\_\_  
Contractual Officer

\*\*\*\*\*

For the State of Ohio Revised Code

Attest: \_\_\_\_\_, \_\_\_\_\_, Date: \_\_\_\_\_  
Director, Ohio Department of Transportation

## RESOLUTION NO. 079-12

### **A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS AND AUTHORIZING A DEPARTMENT DIRECTOR TO TAKE BIDS ON CERTAIN PROJECTS, SERVICES, EQUIPMENT, MATERIALS, OR SUPPLIES WITHOUT THE REQUIREMENT FOR ADDITIONAL LEGISLATION TO DO SO IN THE YEAR 2013; AND DECLARING AN EMERGENCY**

**WHEREAS**, each year from time to time, a Department Director (City Manager, City Finance Director, or City Law Director) is required to come to Council for authority to take bids for certain projects, services, or the purchase or lease of equipment, materials or supplies used in the City operations; and,

**WHEREAS**, in order to provide a more feasible, economical, and expedited method of bidding procedures, it is deemed necessary to give to the above mentioned Department Directors authority to bid such projects, services, equipment, materials, or supplies without the necessity of continued legislation; **Now Therefore**,

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

Section 1. That, the City Manager, City Finance Director, and City Law Director, for their respective departments, subject to Council's approval as to the specifications, plans, agreements, and other related bid documents when applicable, are hereby authorized to advertise and receive bids or take proposals as applicable for the projects, services, equipment, materials, or supplies that are anticipated to be in excess of \$25,000.00 as listed in attached Exhibit "A", (such exhibit being incorporated into this Resolution by attachment and made a part hereof), without the necessity of further legislation in the year 2013; further, Council finds that the expenditure of funds in excess of \$25,000.00 for each project, service, equipment, material, or supply listed in said Exhibit "A", is necessary and authorized, subject to an approved motion of Council permitting the respective Department Director to make award. If a contract for said project, service, equipment, material, or supply is awarded to a successful bidder (lowest and best) as a result of a competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awardee subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director. In the case of a non-competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awarded subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director

Section 2. That, Council reserves the right, by motion of Council, to approve for award, direct no award, reject all or some bids, or rebid, when deemed in the best interest of the City as it relates to the projects identified in Section 1 of this Resolution; moreover, Council may waive any informalities in the bidding process.

Section 3. That, Chapters 105 and 106 of the Codified Ordinances of Napoleon, Ohio, shall continue to be applicable to any projects, services, equipment, materials, or supplies listed in attached Exhibit "A"; moreover, nothing in this Resolution shall be construed as limiting the Department Directors in making purchases or contracting for services in any manner as provided for in said Chapters, statutory law or as otherwise provided by Council. When competitive bidding is required for any project, service, equipment, material or supply as a matter of law, it shall be utilized unless otherwise eliminated by act of Council. When quality based selection is required for any project listed in Exhibit "A" for architectural, engineering, or construction management services as a matter of law, then the quality based selection process shall be utilized unless otherwise eliminated by act of Council. Also, Council hereby finds that the expenditure of funds in excess of \$25,000.00 for each architectural, engineering, or construction management service as found in Exhibit "A" is necessary and approved as a proper public expenditure of funds, subject to approved motion of Council permitting the Department Director to make the award. Finally, the combining of projects, or the contracting the purchase of services, equipment, materials, or supplies is permitted of any project or item listed in Exhibit "A" without necessity of further authorization by Council.

Section 4. That, a Department Director is authorized to use this Resolution for authority for said bids and/or purchases as contained in this Resolution.

Section 5. That, any item listed in attached Exhibit "A" may be leased in lieu of purchasing when deemed appropriate by the respective Department Director.

Section 6. That, all leases, purchases and contracts for projects, services, equipment, materials, or supplies is subject to appropriation and certification of funds.

Section 7. That, any trade-ins shall be controlled by §107.05(c) of the Codified Ordinances of Napoleon, Ohio, as may be amended from time to time.

Section 8. 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 §121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 9. That, if any other prior resolution or ordinance 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 10. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow the timely purchase of materials, supplies, equipment or services essential to provide public peace, health or safety; 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: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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 Resolution No. 079-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ \_\_\_\_; & 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*

**RESOLUTION NO. 080-12**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 IN AND FOR THE YEAR 2013 AS IT RELATES TO REOCCURRING COSTS ASSOCIATED WITH THE OPERATION OF THE CITY, FOR PAYMENT OF EXPENSES, AND FOR PURCHASES ASSOCIATED WITH VENDORS UTILIZED BY MULTIPLE DEPARTMENTS WITHIN THE CITY; ELIMINATION OF NECESSITY OF COMPETITIVE BIDDING IN AND FOR THE YEAR 2013 AS IT RELATES TO CERTAIN TRANSACTIONS; DECLARING AN EMERGENCY**

**WHEREAS**, the City each year has reoccurring costs associated with the conducting of business with groups or associations established for or on behalf of the political subdivisions or instrumentalities of the State, which annually exceed \$25,000.00; and,

**WHEREAS**, the City each year has reoccurring costs associated with the conducting of business, many which result in mandatory payments or merely occurs as a result of the method of accounting utilized by the City's Finance Department; and,

**WHEREAS**, for convenience and efficiency, purchase orders are annually written to vendors by multiple departments of the City with a combined total that exceeds \$25,000.00; Now Therefore,

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

Section 1. That, the expenditure of funds by the City in excess of \$25,000.00, in and for the year 2013, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for purchases, services, coverage, or benefits from the following:

American Municipal Power, Inc.	For: Contracted Power Purchase and Services
BORMA Benefit Plans	For: Insurance Premiums (Health)
Public Entities Pool (PEP)	For: Insurance Premiums (Property & Casualty)
CIC of Henry County, Ohio	For: Economic Development Services
Defiance County Landfill	For: Sanitation Dumping Services
Henry County Auditor	For: Auditor Assessment Fees
Henry County EMA	For: Emergency Management Agency
Henry County Engineer	For: Engineering Shared Projects
Henry County Landfill	For: Sanitation Dumping Services
Henry County Regional Water/Sewer District	For: Payments for Water Collections
James G. Zupka, CPA, Inc.	For: Annual Auditing Services
John Donovan - Law Librarian	For: Law Library Payments
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Napoleon/Henry County Chamber of Commerce	For: Tourist Bureau
Ohio Bureau of Workers Compensation	For: Employee Worker's Comp. Insurance Coverage
Ohio Police Pension Fund	For: Police Pension Payment

Ohio Fire Pension Fund	For: Fire Pension Payment
Ohio Public Employers Retirement System	For: Pension Payments
Treasurer State of Ohio	For: Various Items

Section 2. That, the expenditure of funds by the City in excess of \$25,000.00, in and for the year 2013, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the following purchases associated with recreation, fund balance maintenance, public labor costs, public auditing, utilities, bonding, accounting, the payment of debt service, postal service, banking, permitting, and codification:

Calfee, Halter & Griswold, LLP	For: Specialized Legal Services
Cedar Point Accounting Dept.	For: Tickets for Resale
City of Napoleon, Garage Rotary	For: Garage Rotary Services
City of Napoleon, Income Tax	For: Refunds of Income Taxes
City of Napoleon, Payroll	For: Payroll Postings
City of Napoleon, Rescue	For: Township Portion of EMS Revenues
City of Napoleon, Utility	For: Meter Deposit Refunds
City of Napoleon, Utility	For: Utility Services
City of Napoleon, Utility	For: Water and Sewer Refunds
City of Napoleon, Utility	For: Electric Refunds
Embarq	For: Telephone Services
Farmer and Merchant's State Bank	For: Banking and Debt Service Payment
Huntington National Bank	For: Debt Service Payment
Napoleon, Inc.	For: Newspaper Publication Services
Napoleon Area Schools	For: NCTU and Other
National City Bank	For: Debt Service Payment
Ohio Gas Company	For: Utility Services
Ohio Water Development (OWDA)	For: Debt Service Payment
OMEGA JV5/Amp-Ohio Inc.	For: Purchase of Power
OMEGA JV6/Amp-Ohio Inc.	For: Purchase of Power
Orica Water Care, Inc.	For: MIEX Water Treatment Chemicals
Rescue-Township Charges (EMS)	For: EMS Revenues to Townships
Robinson Salt	For: Salt for Miex Plant
Schonhardt and Associates	For: CAFR Preparation
Service Organization, Inc.	For: Insurances (Health Deductibles)
Smart Bill, LTD	For: Outsourcing of Utility Bill Printing and Mailing
Squires, Sanders and Dempsey	For: Bond Counsel (Professional Services)
Treasurer State of Ohio	For: Payments to State
US Bank	For: Debt Service Payments

US EPA (Treasurer, State of Ohio)	For: Permits
US Postmaster	For: Postal Services and Supply
Village of Malinta	For: OWDA Debt Service
Walter Drain Co.	For: Codification Services (Professional Services)

Section 3. That, the expenditure of funds in excess of \$25,000.00 is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the City's cumulative purchase of product, supply, equipment and/or services periodically through the year 2013 from the following vendors; however, in no event shall the amount exceed \$25,000.00 for any one purchase of product, supply, equipment and/or services or any one specific project under the authority of this Resolution from the below listed vendors:

A & A Custom Crushing	For: Concrete Crushing
Agrium Advanced Technologies	For: Golf Course Chemicals
Auglaize Tree Service	For: Tree Services
Brown Wood Preserving Co., Inc.	For: Electric Poles
Brownstown Electric Supply	For: Electric Supplies
CDW Government, Inc.	For: Computers and Supplies
Cintas	For: Uniform Services
City Blue, Inc.	For: Survey Supplies
Clarke Mosquito Control Product	For: Mosquito Control Supply
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Concrete Specialist Company, Ltd.	For: Concrete Repair/Replacement
Darr's Cleaning, Inc.	For: Sewer Cleaning and Inspection
Dennis Panning Excavating	For: Yard Waste Hauling and Disposal
Downtown	For: Downtown Renovation Vendors
Estabrook, Corp.	For: Pump Supplies and Repairs
Feller, Finch & Associates, Inc.	For: Engineering Services (Professional Services)
Finley Fire Equipment	For: Fire Engines and Service Repairs
Fire Safety Services Inc.	For: Fire Services and Supply
Fire Service, Inc.	For: Fire Services and Supply
Ft. Defiance Service Master	For: Cleaning and Sanitizing Services
Garcia Surveyors, Inc.	For: Surveying Services (Professional Services)
Gerken Asphalt Paving, Inc.	For: Paving
General/Chemical Performance	For: Chemicals
Go Green, Inc.	For: Brush Grinding Services
HD Supplies Utilities, Ltd.	For: Electrical Parts and Supply
Hull and Associates, Inc.	For: Consulting Services (Professional Services)
Huron Lime, Inc.	For: Lime Chemicals

Hydro Dyne Engineering, Inc.	For: Wastewater Remanufacturing of Screens
Irvine Electrical and Testing	For: Testing and Supplies
Jack Doheny Supplies Ohio, Inc.	For: Wastewater Supplies
Jones and Henry Engineering Ltd.	For: Engineering Services (Professional Services)
Kalida Truck	For: Vehicle Accessories
Kuhlman Corp.	For: Parts and Supply
Kurtz Ace Hardware	For: Supply
Lingvai Excavating, LLC	For: Construction Services
Lingvai Paving, LLC	For: Paving Services
Linward Electric, Inc.	For: Traffic Signal Repairs
The Mannik and Smith Group, Inc.	For: Engineering Services (Professional Services)
Mid-Ohio Sludge Management	For: Sludge Removal
Mohre Electronics Co.	For: Radio Services, Parts and Supply
Morton Salt	For: Road Salt
Neptune Equipment	For: Meter Parts and Supplies
Northbranch Nursery, Inc.	For: Landscaping/Tree Services
Northwest Landscape Service	For: Landscaping and Supplies, Roadside and City Owned Property Mowing
Northwest Pools	For: Pool Chemicals
Office Depot	For: Office Supply
Paulding County Engineer's Office	For: Cold Patch
Pepco	For: Supplies
Parker Hannfin Corp.	For: Water Meter Analyzer
Perrysburg Pipe and Supply	For: Parts and Supply
Perry Corporation	For: Copier, Scanner and Printer Supplies
Peterman Associates, Inc.	For: Engineering Services (Professional Services)
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerline Supply	For: Electrical Parts and Supplies
Premier Patching, Inc.	For: Road Patching
Quality Cleaning	For: Janitorial Services
Reed City Power Line Supply Co.	For: Electrical Parts and Supply
RTEC Communications, Inc.	For: Communication Supplies & Equipment
S & S Directional Boring	For: Directional Boring
Saylor Tree Service, LLC	For: Tree Services
Solomon Corporation	For: Transformers and Electric Supplies
Spectrum Engineering Corp.	For: Engineering Services (Professional Services)
Stantec Consulting Services, Inc.	For: Engineering Services (Professional Services)
T & J. Excavating	For: Excavating Services

T & R Electric	For: Transformers
Vernon Nagel, Inc.	For: Trucking and Hauling Services
Viking Trucking, Inc.	For: Trucking and Hauling Services
Vince's TV and Appliance	For: Networking and Computer Supplies
Werlor, Inc.	For: Brush Grinding Services/Recycling Services
Wesco Distribution, Inc.	For: Electrical Supplies
Westech Distribution	For: Water Miex System Services
Woods Auto Supply	For: Parts and Supply
Zacks Recycling, LLC	For: Recycling Services

Section 4. That, due to nature or uniqueness of the transactions or vending listed in Sections 1, 2 and 3 of this Resolution, except for the prohibition in Section 3 regarding the one time purchase over \$25,000.00, any requirement that may exist for competitive bidding is hereby eliminated in the best interest of the City.

Section 5. That, nothing in this Resolution shall be construed as to eliminate the necessity of quality based selection as it relates to architect, engineer or construction services for any one project that would otherwise require such a selection process, as such elimination of quality based selection would require separate Council action; moreover, nothing in this Resolution shall be construed as to eliminate the restriction found in Section 3 of this Resolution as it relates to a single purchase or project expenditures.

Section 6. 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 7. 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 8. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for prompt purchases required to remain operational, being operational essential to public peace, health or safety; 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: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

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Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 080-12 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.*

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*Gregory J. Heath, Clerk/Finance Director*

**2013 APPROPRIATION BUDGET - ANNUAL BID LIST IN EXCESS OF \$25,000.00**  
**EXHIBIT "A"**

**ITEMS AUTHORIZED FOR BID:**

⇒ **1600 - MIS**

Servers and Computers

⇒ **1700 - ENGINEERING/CITY ENGINEER**

Pickup Truck

⇒ **2100 - POLICE/SAFETY SERVICES**

2 Patrol Cars

⇒ **2200 - FIRE/SAFETY SERVICE**

SCBA Replacement (Air Packs)  
Fire Station Improvements

⇒ **5100 - SERVICE/STREETS AND IMPROVEMENTS**

Road and Street Resurfacing Annual Program  
Salt (Ice and Snow Removal)  
Roadside Mowing Contracts  
Sidewalk and Curb Repair/Replacement  
Dump Truck Replacement  
Scott Street Improvements  
Miscellaneous Street Striping  
Downtown Parking Lot Improvements  
Scott Street Underpass Bike Paths  
Canal Basin Resurfacing Project

⇒ **6110 - ELECTRIC/OPERATIONS & DISTRIBUTION**

Pole Replacement Program  
Transformers (Inventory Replacement)  
Substations Relay Testing - North Side, Glenwood, South Side, Industrial  
Electrical Underground and Overhead Upgrades  
Traffic Signal Upgrades  
Substation 69kV Air Break Switch  
Industrial Substation Feeders  
Substation Service Truck  
GIS System  
Vehicle - Meter Reader  
Pickup Truck  
Oil Containment (Spec)

⇒ **6200 - WATER/TREATMENT PLANT**

Cleaning of Sludge Lagoons  
Water Tower Painting and Maintenance  
WTP Build (Design)

**2013 APPROPRIATION BUDGET - ANNUAL BID LIST IN EXCESS OF \$25,000.00**  
**EXHIBIT "A"**

⇒ **6210 - WATER/DISTRIBUTION SYSTEM**

Water System Supplies  
Chemicals (Water and Wastewater Plants)  
Chemicals (Miex Resin and Salt)  
Valve Exercising and Replacement Program  
Hudson Street Waterline Improvements

⇒ **6300 - SEWER (WWT) /TREATMENT PLANT**

L.T.C.P. Updates - Sewer Improvement  
Rebuild of #1 Mechanical Screen  
#2 UV Reactor  
2 Effluent Pumps

⇒ **6310 - SEWER/COLLECTION SYSTEM**

Sanitary Sewer Repairs  
Haley Avenue Interceptor I/I Reduction Project (LTCP Project No. 17B)  
(Construction)  
Ohio Street Sanitary Sewer Upgrades  
Kenilworth Area I/I Project (LTCP #16B) (Construction)  
Oberhaus Interceptor I/I Project (LTCP #21A) (Design)  
Southside I/I Project (LTCP #20A1) (Design)

⇒ **6420 - SANITATION/RECYCLING**

Recycling Services Contract  
New Packer Truck  
Landfill Contract  
Brush Grinding  
Concrete Grinding  
Chemicals, Mosquito Control

**RESOLUTION NO. 081-12**

**A RESOLUTION AUTHORIZING A CONTRIBUTION TO THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO, IN AND FOR THE YEAR 2013; DECLARING AN EMERGENCY**

**WHEREAS**, the City, by Ordinance in accordance with Section 1724.10 of the Ohio Revised Code, designated The Community Improvement Corporation of Henry County, Ohio ("CIC") as the agency of the City for the industrial, commercial, distribution, and research development of the City; and,

**WHEREAS**, a "Plan" as defined in Section 165.01 of the Revised Code was prepared and confirmed to advance, encourage, and promote the industrial, commercial, distribution, and research development of the City in a manner which among several things, creates and preserves jobs and employment opportunities in the City and the State and improves the economic welfare of the people of the City and of the State; and further, encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and,

**WHEREAS**, this Council desires to further advance the Plan and has determined to financially assist the CIC with operational and the other expenses in the Year; Now Therefore,

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

Section 1. That, in an effort to further advance the "Plan" referenced in the preamble of this Resolution, the City Finance Director is directed and authorized to pay to The Community Improvement Corporation of Henry County, Ohio ("CIC") the amount of Twenty-Nine Thousand (\$29,000.00) Dollars in and for the Year 2013 to the CIC for operational expenses and costs for the advancement of economic development projects for both present companies and future companies. An additional \$20,000.00 is authorized in 2013 for planning services with the contingency that the amount is matched by the Henry County Commission. The amounts contributed herein are deemed by this Council to be a proper public expenditure of public funds.

Section 2. That, the monies contributed as found in Section 1 of this Resolution shall be used for operational expenses and to advance the "Plan" as referenced in the preamble of this Resolution and shall not be pledged to secure any debt of the CIC.

Section 3. That, all payments stated in this Resolution are subject to appropriation of funds by Council. In the event appropriation of funds by Council is satisfied, payment shall be made by the Finance Director in quarterly installments to the CIC, all in and for the year 2013.

Section 4. That, Ordinance Number 003-12 is repealed upon the effective date of this Ordinance.

Section 5. 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 6. 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 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for economic projects to timely move forward; projects that will create jobs; 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: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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 Resolution No. 081-12 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. 070-12**

**AN ORDINANCE AMENDING SECTION 121.03(a) OF THE CITY OF NAPOLEON ADMINISTRATIVE CODE AND RULE 6.5 OF THE RULES AND REGULATIONS OF CITY COUNCIL REGARDING PUBLICATION OF LEGISLATION BY SUMMARY**

**WHEREAS**, the City of Napoleon desires to save on the cost of publishing full legislation in the newspaper, and;

**WHEREAS**, the City of Napoleon desires to now publish its legislation in the newspaper by summary, Now Therefore;

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

Section 1. That, Section 121.03(a) of the Codified Ordinance for the City of Napoleon, Ohio, shall be amended and enacted as follows:

**“121.03 PUBLICATION OF LEGISLATION.**

(a) Publication in General. All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the City, and/or Council may determine that publication shall be by other electronic media. Ordinances or Resolutions in excess of ~~1000~~ **1 (ONE)** word may be published merely by summary. A table of contents of the Ordinance or Resolution and, if any attachments exist to the Ordinance or Resolution, a table of contents for such attachments, shall be considered an adequate summary. In the event of the publication of Ordinances or Resolutions by summary, there shall be a notice in such publication that a copy of the complete Ordinance or Resolution is on file in the office of the Clerk of Council for inspection during business hours and that copies of such Ordinance or Resolution shall be furnished to any person, upon request, for a reasonable fee. The City Law Director shall review all proposed summary form publications for legal accuracy and sufficiency prior to publication. The Clerk of Council shall cause the Ordinance or Resolution to remain posted in the principal municipal building for a period not less than ten calendar days immediately following the notice. Nothing in this Section shall be construed as to prohibit publication in accordance with the laws of Ohio.”

Section 2. That Rule 6.5 of the Rules and Regulations of City Council shall be amended and enacted as follows:

**“Rule 6.5 Publishing of Ordinances and Resolutions**

All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or Resolutions containing words in excess of one ~~thousand~~ **(1000)** words may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of Ordinances or Resolutions by summary, there shall be a notice in such publication that a copy of the complete Ordinance or Resolution is on file in the office of the Clerk of Council for inspection during business hours and that copies of such Ordinance or Resolution shall be furnished to any person, upon request, for a reasonable fee. The City Law Director shall review all proposed summary form publication for legal accuracy and sufficiency prior to publication. The Clerk of Council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten (10)

calendar days immediately following the notice. Nothing in this Section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the City, or there are no electronic media available, Council may provide some other method of publication or giving notice of Ordinances and Resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the City.”

Section 3. That, Section 121.03(a) of the City of Napoleon Administrative Code and Rule 6.5 of the Rules and Regulations of City Council as they existed prior to the enactment of this Ordinance shall be repealed.

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: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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. 070-12 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

**RESOLUTION NO. 073-12**

**A RESOLUTION AMENDING THE ALLOCATION OF FUNDS AS  
FOUND IN SECTION 193.11 OF THE CODIFIED ORDINANCES  
OF THE CITY OF NAPOLEON, OHIO**

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

Section 1. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, ~~2012~~ **2013**, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 38% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, ~~2013~~ **2014** and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 50% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 2. That, Section 193.11 of the codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Resolution, is repealed effective December 31, ~~2011~~ **2012** at 11:59 PM.

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 shall take effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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 Resolution No. 73-12 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*

**RESOLUTION NO. 074-12**

**A RESOLUTION AMENDING SECTIONS 1, 2, 3, AND 4 OF  
RESOLUTION NO. 081-10 TO AMEND THE PAY FREQUENCY  
OF COUNCIL MEMBERS AND THE MAYOR OF THE CITY OF  
NAPOLEON, OHIO**

**WHEREAS**, it is the intent of this Council to allow Council Members and the Mayor, at their own discretion, to choose the manner in which their salary is paid; and,

**WHEREAS**, through this resolution it is not the intent of this Council to change the compensation of the Council Members nor the Mayor because doing so would be a violation of the Ohio Constitution; the intent is merely to change the manner in which their salary is paid. Now therefore,

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

**Section 1.** That, Sections 1, 2, 3, and 4 of Resolution No 081-10 of the City of Napoleon, is hereby amended and enacted as follows:

“Section 1. That, commencing January 1, 2012, being the first day of the new term of office for Council Members in and for the City of Napoleon, Ohio, each person so elected for the new term shall receive an annual salary of \$4,663.26, with an automatic one and one-half (1 ½%) percent annual increase, said salary to be paid ~~in equal amounts on a monthly basis~~ **BI-WEEKLY, MONTHLY, SEMI-ANNUALLY, OR ANNUALLY AT THE DISCRETION OF SAID MEMBER**. The compensation as established herein, with the automatic increases as established in this Section, shall be continued for each future term of office for the position of Council Member until lawfully changed by Council.

Section 2. That, elected or appointed Council members of the City of Napoleon, Ohio, currently serving upon the effective date of this Ordinance, or Council members later appointed to serve an unexpired term of said elected or appointed Council members, shall continue to receive as compensation, an annual salary of \$4,438.56, with an automatic annual increase of two and one-half (2 ½%) percent as was established in Ordinance No. 161-96, until completion of said term, to be paid ~~in equal amounts on a monthly or semi-annual basis~~ **BI-WEEKLY, MONTHLY, SEMI-ANNUALLY, OR ANNUALLY AT THE DISCRETION OF SAID MEMBER**.

Section 3. That, commencing January 1, 2012, being the first day of the new term of office for Mayor of the City of Napoleon, Ohio, the Mayor so elected for the new term shall receive an annual salary of \$13,314.25, with an automatic one and one half (1 ½%) percent annual increase, to be paid ~~in equal amounts on a monthly basis~~ **BI-WEEKLY, MONTHLY, SEMI-ANNUALLY, OR ANNUALLY AT THE DISCRETION OF THE MAYOR**. The compensation as established herein, with the automatic increases as established in this Section, shall be continued for each future term of office as Mayor until lawfully changed by Council.

Section 4. That, the elected or appointed Mayor of Napoleon, Ohio, currently serving upon the effective date of this Ordinance, or persons later appointed to serve an unexpired term of said elected or appointed Mayor, shall continue to receive as

compensation, an annual salary of \$12,672.70, with an automatic annual increase of two and one-half (2 ½%) percent as was established in Ordinance No. 161-96, until completion of said term to be paid ~~in equal amounts on a biweekly basis~~ **BI-WEEKLY, MONTHLY, SEMI-ANNUALLY, OR ANNUALLY AT THE DISCRETION OF THE MAYOR.** ”

**Section 2.** That, it is found that Sections 1, 2, 3 and 4 of Resolution 081-10 as amended are not a change in compensation, but merely a change in the manner in which said compensation is paid.

**Section 3.** That, all other portions of Sections 1,2,3, and 4 of Resolution 081-10 that were not amended as part of this legislation as well as Sections 5, 6, 7, 8, 9, 10, and 11 of Resolution 081-10 remain in full effect.

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

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

**Section 6.** That, this Resolution shall take effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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 Resolution No. 074-12 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

**RESOLUTION NO. 064-12**

**A RESOLUTION AUTHORIZING THE ADOPTION AND APPROVAL OF THE HENRY COUNTY NATURAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has established rules and regulations under 44 CFR Parts 201.6, which requires that "for disasters declared after November 1, 2004, a local government must have a Mitigation Plan approved pursuant to this Section in order to receive HMGP project grants"; and,

**WHEREAS**, The Henry County Emergency Management Agency has received a grant from FEMA to update and revise the previously adopted mitigation plan entitled the "Henry County, Ohio Natural Hazard Mitigation Plan"; and,

**WHEREAS**, in addition, it is understood that "for multi-jurisdiction plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan"; and,

**WHEREAS**, the FEMA regulation under 44 CFR Parts 201.6 requires "Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan. For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted"; and,

**WHEREAS**, the Council of the City of Napoleon, Ohio has reviewed, revised and updated the "Henry County, Ohio Natural Hazard Mitigation Plan"; Now therefore,

**NOW THEREFORE BE IT RESOLVED**, that the Council of the City of Napoleon, Ohio does hereby adopt the updated "Henry County, Ohio Natural Hazard Mitigation Plan"; and,

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

Section 1. That the Henry County Emergency Management Agency prepare and submit to the Federal Emergency Management Agency in accordance with the draft rules and regulations published by FEMA, the Henry County, Ohio Natural Hazard Mitigation Plan.

Section 2. That the Finance Director (Clerk) of the City of Napoleon, Ohio be and hereby is authorized and directed to certify copies of this resolution to the Henry County Emergency Management Agency.

Section 3. That, the City Manager and/or City Finance Director of Napoleon, Ohio, are hereby authorized and directed to execute all documents on behalf of the City of Napoleon, Ohio, and to do all other things necessary and consistent with this Resolution to effectuate its purpose.

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

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

Section 6: That, this Resolution shall take effect at the earliest time permitted by law.

Passed: \_\_\_\_\_  
John A. Helberg, 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 Resolution No. 064-12 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. 067-12**

**AN ORDINANCE AMENDING CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON (WASTE COLLECTION) TO ESTABLISH SECTION 925.13(D) LOW OCCUPANCY.**

**WHEREAS**, the City of Napoleon ("City") controls and operates rules and regulations in relation to waste collection; and,

**WHEREAS**, the City desires to offer its Residential Customers a partial credit on the monthly Refuse Charge under certain circumstances; now therefore,

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

Section 1. That, Chapter 925 "Waste Collection" of the Codified Ordinances of the City of Napoleon, is hereby amended and enacted as follows:

**"925.13 RATES.**

(a) The following rates are established as a monthly base fee as it relates to City bag refuse service, and shall be charged to each subscriber utilizing or mandated to utilize the City's bag refuse service. Commercial use of residential type recycling service is permitted in accordance with paragraph (c). Nothing in this provision shall be construed as mandating the City to provide refuse service outside its corporate limits.

<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
\$18.00	\$24.30

(b) Each subscriber to the City's bag refuse service will be permitted to have one bag of garbage or refuse, per week, at no additional cost (without necessity of a tag), as part of the established monthly fee paid by all City bag refuse subscribers; thereafter, there will be a charge of \$2.00 per tag that shall be affixed to the outside of each bag after the first one bag as provided for in Section 925.07. Tags may be purchased at the office of the City Utilities Department or at other locations as may be designated.

(c) Commercial recycling service when provided by the City, in or outside the corporation limits, shall be at the rate of \$18.00 per month for up to six residential type recycling bins with additional bins, up to ten in total, at the rate of \$1.00 per month for each additional bin over six. Levels of service shall be established on an annual basis. (Ord. 088-08. Passed 12-8-08.)

***(D) LOW OCCUPANCY: THE CITY WILL ALLOW RESIDENTIAL CUSTOMERS TO REQUEST A PARTIAL CREDIT ON THE MONTHLY REFUSE CHARGE PROVIDED THE RESIDENTIAL CUSTOMER DEMONSTRATES AND/OR PROVES THAT NO GARBAGE WAS GENERATED DURING THE***

**ENTIRE MONTH AND/OR BILLING CYCLE. PROOF WILL BE IN THE FORM OF A SWORN AFFIDAVIT SIGNED AND NOTARIZED BY THE RESIDENTIAL CUSTOMER STATING THE REASON FOR NON-GENERATION OF GARBAGE AND REQUESTING A PARTIAL CREDIT FOR THE PERIOD OF THE BILLING CYCLE. REFUSE CHARGE WILL REMAIN ON THE MONTHLY BILL AND REQUESTS MUST BE MADE AFTER EACH BILLING CYCLE, AND NO LATER THAN SIXTY (60) DAYS AFTER THE UTILITY BILL "BILLING DUE DATE" FOR WHICH THE REQUEST OF IS BEING MADE. PROOF WILL BE SUBJECT TO VERIFICATION BY THE REFUSE COLLECTION DEPARTMENT IN OPERATIONS. ADDITIONALLY, THE CUSTOMER'S UTILITY ACCOUNT WILL BE CHECKED FOR CONSUMPTION HISTORY OF ELECTRIC, WATER, AND SEWER. IF CONSUMPTION HISTORY IS MINIMAL FOR ELECTRIC AND THERE IS NEITHER WATER NOR SEWER CONSUMPTION DURING THE TIME PERIOD OF THE BILLING THE REQUEST WILL BE APPROVED. HOWEVER, IF THERE IS AVERAGE OR NORMAL CONSUMPTION HISTORY FOR ELECTRICITY OR THERE IS WATER OR SEWER USAGE THE REQUEST WILL NOT BE APPROVED. APPROVED REQUESTS WILL BE CREDITED TO THE CUSTOMER ACCOUNT ON THE NEXT EARLIEST POSSIBLE BILLING. HOWEVER, THE CUSTOMER WILL NOT RECEIVE ANY CREDIT FOR SPECIAL SANITATION SERVICES AS ESTABLISHED IN 925.17(B). THE CUSTOMER'S AFFIDAVIT IS ONLY VALID FOR SIX (6) MONTHS AND MUST BE RENEWED THEREAFTER. AFFIDAVIT FORMS WILL BE PROVIDED UPON REQUEST.**

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: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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. 067-12 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.*

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*Gregory J. Heath, Clerk/Finance Director*

**ORDINANCE NO. 068-12**

**AN ORDINANCE VACATING A CERTAIN ALLEY LOCATED IN  
THE ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF  
NAPOLEON, HENRY COUNTY OHIO**

**WHEREAS**, a petition was filed by a person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, located in Original Plat in the (Village) now City of Napoleon, Ohio pursuant to Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio and Chapter 723 of the Ohio Revised Code; and,

**WHEREAS**, the Planning Commission had a Public Hearing (PC-12-08), after being duly published, and there was no opposition; and,

**WHEREAS**, the Planning Commission passed Resolution PC-12-08 recommending that said alley be vacated by the Napoleon City Council; Now Therefore,

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

Section 1. That, this Council finds that there has been compliance with all applicable provisions of Chpt. 723 of the Ohio Revised Code and Chpt. 909 of Codified Ordinances in regards to vacation of a certain alley as more particularly described in Section 2 of this Ordinance, including but not limited to the notice requirement.

Section 2. That, this Council finds that there exists a petition signed by an authorized person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, more specifically, the alley located along Lots 31, 32, 33, and 34 in the Original Plat of the Village (now City) of Napoleon, Henry County, Ohio, as shown on the plat currently on file in the office of the Zoning Administrator and as shown on Exhibit A which is attached and incorporated herein.

Section 3. That, this Council further finds there is good cause for such alley vacation as prayed for, that such vacation of the alley will not be detrimental to the general interests and ought to be and is made subject to the City reserving an easement therein for the installation, maintaining, operating, renewing, constructing, reconstructing and removing of any existing utility facilities, and for the purpose to access said facilities, pursuant to Section 723.041 of the Ohio Revised Code.

Section 4. That, the City Engineer is hereby instructed to present the vacation plat of said vacated alley to the Clerk of Council and the Clerk is instructed to endorse upon such plat, the action of this Council in vacating such alley and to cause this ordinance and the said plat to be recorded in the office of the Recorder of Henry County, Ohio.

Section 5. That, the Clerk of Council is directed to notify the Auditor of Henry County of the vacation, by sending a copy of this Ordinance.

Section 6. That, the directives as stated in Sections 4 and 5 of this Ordinance shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio.

Section 7. 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 8. 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 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, 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. 068-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_; & 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*

# VACATION PLAT FOR ALLEY BETWEEN LOTS 31,32,33 AND 34 IN THE ORIGINAL PLAT OF THE VILLAGE OF NAPOLEON

**AREA:**

2,682 SQ. FT OR 0.062 AC.±

**DEED REFERENCE:**

1. VOLUME 243, PAGE 923, HENRY COUNTY DEED RECORDS
2. OFFICIAL RECORDS VOLUME 202, PAGE 566, HENRY COUNTY DEED RECORDS
3. ORDINANCE 836 RECORDED IN VOLUME 13, PAGE 666, MISCELLANEOUS RECORDS OF HENRY COUNTY

**NOTE:**

THE BEARINGS USED HEREON ARE BASED ON THE OHIO STATE PLANE GRID NORTH, OHIO NORTH ZONE.

**LEGAL DESCRIPTION:**

A parcel of land being part of an existing alley as shown on the Original Plat of the Village (now City) of Napoleon, Henry County, Ohio, said parcel of land being bounded and described as follows:

Beginning at the intersection of the northerly line of Lot 31 in said Original Plat of the City of Napoleon with the easterly line of said Lot 31 in the Original Plat of the City of Napoleon, said northerly line of Lot 31 in the Original Plat of the City of Napoleon also being the southerly line of said existing alley in the Original Plat of the City of Napoleon, said point of intersection being marked with a set Mag nail;

Thence in a southwesterly direction along said northerly line of Lot 31 in the Original Plat of the City of Napoleon and along the northerly line of Lot 32 in said Original Plat of the City of Napoleon, having an assumed bearing of South sixty-four (64) degrees, sixteen (16) minutes, thirty-seven (37) seconds West, a distance of one hundred sixty-two and fifty-two hundredths (162.52') feet to the intersection of a line drawn three and seventy-five hundredths (3.75') feet easterly and parallel with the westerly line of said Lot 32 in the Original Plat of the City of Napoleon, said point of intersection being marked with a set Mag nail;

Thence North twenty-five (25) degrees, fifty-three (53) minutes, twenty-eight (28) seconds West along the northerly extension of said line drawn three and seventy-five hundredths (3.75') feet easterly and parallel with the westerly line of Lot 32 in the Original Plat of the City of Napoleon, a distance of sixteen and fifty hundredths (16.50') feet to the intersection of the southerly line of Lot 33 in said Original Plat of the City of Napoleon, said southerly line of Lot 33 in the Original Plat of the City of Napoleon also being the northerly line of said existing alley in the Original Plat of the City of Napoleon, said point of intersection being marked with a set Mag nail;

Thence North sixty-four (64) degrees, sixteen (16) minutes, thirty-seven (37) seconds East along said southerly line of Lot 33 in the Original Plat of the City of Napoleon and along the southerly line of Lot 34 in said Original Plat of the City of Napoleon, a distance of one hundred sixty-two and fifty-two hundredths (162.52') feet to the intersection of the easterly line of said Lot 34 in the Original Plat of the City of Napoleon, said easterly line of Lot 34 in the Original Plat of the City of Napoleon also being the westerly line of an existing alley in said Original Plat of the City of Napoleon, said point of intersection being marked with a set Mag nail;

Thence South twenty-five (25) degrees, fifty-three (53) minutes, twenty-six (26) seconds East along the southerly extension of said easterly line of Lot 34 in the Original Plat of the City of Napoleon, a distance of sixteen and fifty hundredths (16.50') feet to the Point of Beginning.

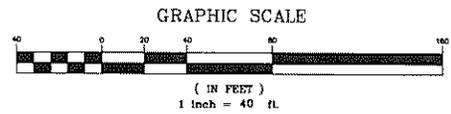
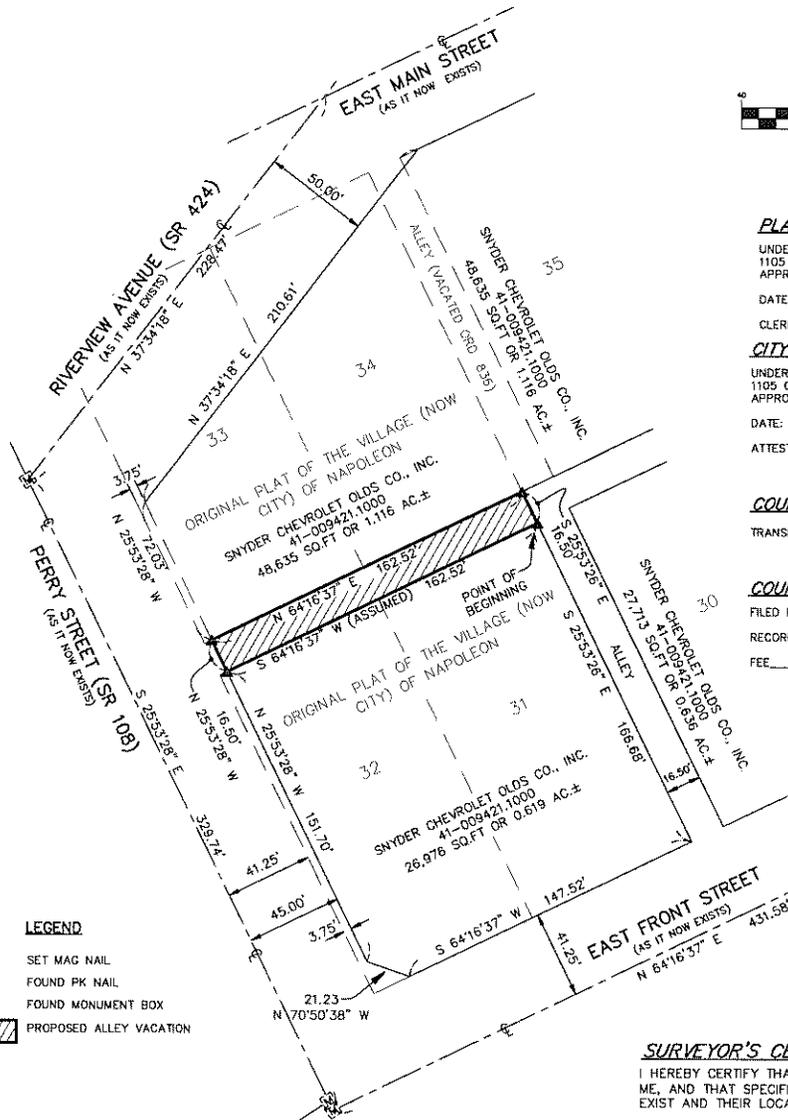
Said parcel of land containing an area of 2,682 square feet or 0.062 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements and restrictions of record.

The bearings used hereon are based on an assumed meridian and are for the express purpose of calculating angular measurement.

The above description is based on a field survey performed under my supervision during August, 2012.

- LEGEND**
- ▲ SET MAG NAIL
  - △ FOUND PK NAIL
  - FOUND MONUMENT BOX
  - ▨ PROPOSED ALLEY VACATION



**PLANNING COMMISSION CERTIFICATE:**

UNDER THE AUTHORITY PROVIDED BY OHIO R.C. CHAPTER 711 AND CHAPTER 1105 OF THE NAPOLEON CODIFIED ORDINANCES, THE PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON.

DATE: \_\_\_\_\_ CHAIRMAN \_\_\_\_\_

CLERK OF COUNCIL \_\_\_\_\_

**CITY COUNCIL CERTIFICATE:**

UNDER THE AUTHORITY PROVIDED BY OHIO R.C. CHAPTER 711 AND CHAPTER 1105 OF THE NAPOLEON CODIFIED ORDINANCES, THE PLAT IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON.

DATE: \_\_\_\_\_ MAYOR \_\_\_\_\_

ATTEST: CLERK OF COUNCIL \_\_\_\_\_

**COUNTY AUDITOR CERTIFICATE**

TRANSFERRED \_\_\_\_\_ 2012 \_\_\_\_\_ HENRY COUNTY AUDITOR

**COUNTY RECORDER'S CERTIFICATE**

FILED FOR RECORD \_\_\_\_\_ 2012 AT \_\_\_\_\_ M.  
RECORD ON \_\_\_\_\_ 2012 ON \_\_\_\_\_ SLIDE \_\_\_\_\_  
FEE \_\_\_\_\_ HENRY COUNTY RECORDER

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT SPECIFIED MAG NAILS SHOWN THUS (▲) ACTUALLY EXIST AND THEIR LOCATION IS CORRECTLY SHOWN.

Duane E. Heck  
Professional Surveyor #7432

Date: \_\_\_\_\_



## Garcia Surveyors, Inc.

P.O. Box 2628 Whitehouse, OH 43571  
Phone: (419) 877-0400  
Fax: (419) 877-1140  
Mobile: (419) 438-2566  
E-Mail: dheck@garciasurveyors.com



EXHIBIT A

# City of Napoleon Parks and Recreation Department

255 West Riverview Avenue Napoleon, Ohio 43545  
(419) 592-4010 (419) 592-8955 (fax)  
tcotter@napoleonohio.com

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## *Memorandum*

To: *Jon A. Bisher, City Manager*  
From: *Tony Cotter, Director of Parks and Recreation*  
Date: *Wednesday, November 14, 2012*  
Subject: *Veteran's Park at the River Donation*

On Sunday, November 11, members of the Southside Beautification Group held a ceremony to donate to the City of Napoleon improvements made to Veteran's Park at the River. In addition, Mayor Ron Behm accepted a check from the Group in the amount of \$1,000 for future maintenance to the park. The park is located at the corner of South Perry St. and West Maumee Ave.

I am recommending that City Council officially accept the donation and improvements to Veteran's Park at the River.

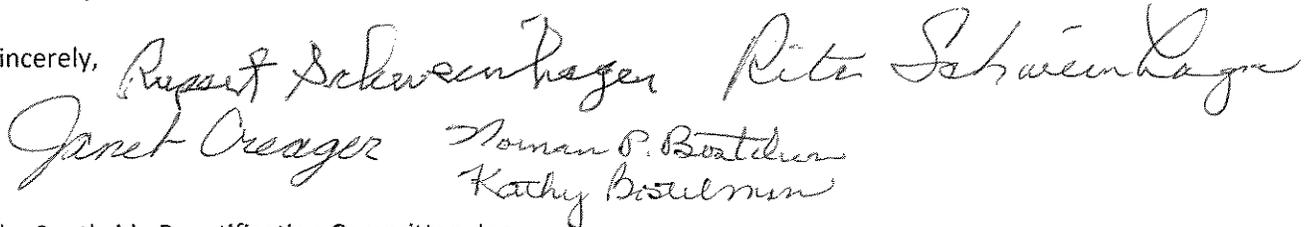
Let me know if you would like additional information.

City of Napoleon  
255 Riverview Avenue  
Napoleon, Ohio 43545

Having completed the **Veterans Park at the Bridge**, the Southside Beautification Group, Inc. would like to now donate it to the City of Napoleon. In a ceremony held on Sunday, November 11, 2012, the park was presented to Mayor Ron Behm and Parks Superintendent, Tony Cotter, along with a check in the amount of \$1,000. As per our conversation, the City of Napoleon will provide for the maintenance, and The Southside Beautification Committee, Inc. will continue to sell engraved bricks. The committee will also pay for the engraving of the bricks and continue to install them.

The estimated value of the park contents including monuments, flagpoles, lighting, and landscaping amounts to approximately **\$30,000**. (The arborvitae shrubs surrounding the chain link fence were originally installed by Old Orchard Garden Center, and they have made a commitment to replace the ones that have since died.)

Having achieved our goal of visually honoring the many veterans throughout our community, the Committee would like to thank the many citizens and businesses for their contributions of money, material, and labor. We would also like to thank the City of Napoleon and its various departments for their help, advice, and cooperation during the building and completion of this project.

Sincerely, 

The Southside Beautification Committee, Inc.  
Janet Creager  
Rupert and Rita Schweinhagen  
Norm and Kathy Bostelman

**BILLING DETERMINANTS - NOVEMBER, 2012**

**BILLING UNITS RECONCILIATION AND RATE CALCULATION**

**ALLOCATION OF ENERGY AND DEMAND COSTS**

**ENERGY COST ALLOCATION:**

Total Energy Cost (from Power Bills page):		\$754,325	<b>\$754,325</b>	<- Verification Total - Variations Due To Rounding
	<b>kWh</b>			
	<b>Billing Units</b>	<b>Pct.</b>	<b>Allocated \$</b>	
Res./Interdept. (G1):	4,781,951	34.2774%	\$258,563	
Commercial (G2):	2,820,109	20.2147%	\$152,485	
Large Power (G3):	4,479,324	32.1081%	\$242,199	
Industrial (G4):	1,869,366	13.3998%	\$101,078	
Total:	13,950,750	100.0000%	<b>\$754,325</b>	<- Verification Total - Variations Due To Rounding
Verification Total ->	13,950,750			

**DEMAND COST ALLOCATION:**

Total Demand Cost (from Power Bills page):		\$244,656	<b>\$244,656</b>	<- Verification Total - Variations Due To Rounding
	<b>kW/KVA</b>			
	<b>Billing Units</b>	<b>Pct.</b>	<b>Allocated \$</b>	
Res./Interdept. (G1):	8,348	30.1688%	\$73,810	
Commercial (G2):	7,608	27.4945%	\$67,267	
Large Power (G3):	8,345	30.1579%	\$73,783	
Industrial (G4):	3,370	12.1788%	\$29,796	
Total:	27,671	100.0000%	<b>\$244,656</b>	<- Verification Total - Variations Due To Rounding
Verification Total ->	27,671			

**APPLIED GENERATION & DEMAND RATES TO MONTHLY BILLING**

<b>NOVEMBER, 2012</b>	<b>Allocated Costs</b>	<b>Billing Units</b>	<b>PWR.RATES CHARGED</b>
<b>JV's Purchased Cost kWh to City</b>			
JV2 Joint Venture Rate (JV2 Energy Only)			\$0.02109
JV5 Joint Venture Rate (JV5 Energy Only)			\$0.02109
<b>Generation Charge:</b>			
Res./Interdept. (G1):	\$332,373	4,781,951	\$0.06951
Commercial (G2):	\$219,752	2,820,109	\$0.07792
Large Power (G3):	\$242,199	4,479,324	\$0.05407
Industrial (G4):	\$101,078	1,869,366	\$0.05407
<b>Demand Charge:</b>			
Large Power (D1):	\$73,783	10,147	\$7.27
Industrial (D2):	\$29,796	4,026	\$7.40
Total Billing & Unit Check:	\$998,981	13,950,750	
Verification of Billings & Units:	\$998,981	13,950,750	<i>Net Costs/kWh</i>
Net Average City Cost of Purchased Power/kWh for Month w/Credits:			\$0.07933
Net Average Customer Cost of Billing per kWh for Prior Billing Month:			\$0.08961



**BILLING DETERMINANTS - NOVEMBER, 2012**

NOVEMBER, 2012

**PREVIOUS MONTH'S POWER BILLS - PURCHASED POWER AND POWER SUPPLY COST ALLOCATIONS:**

DATA PERIOD	MONTH	DAYS IN MONTH	SYSTEM PEAK									EXCISE TAX RATE
AMP-Ohio Bill Month	SEPTEMBER 2011	30	27,779									\$0.0498668
System Data Month	OCTOBER 2012	31										
	GORSUCH & EFF.SMART	AMP CT CAP.& TRANS.	SCHEDULED NAPOLEON SOLAR	NORTHERN POWER POOL SCHEDULED	FREMONT ENERGY SCHEDULED	J-ARON PP and SALE	JV-2 PEAKING SCHEDULED	JV-5 HYDRO SCHEDULED	JV-6 WIND SCHEDULED	TRANSMISSION CHARGES - All Charges	Service Fees AMP Disp,A&B Other Charges	TOTALS
Delivered kWh (On Peak) ->	6,815,668	44,052	421,575	1,678,847	3,530,134	288,000	355	2,223,360	26,314			15,028,305
Del kWh(Off Peak), Losses or Other ->	99,286		505,299	603,724				32,380				1,240,689
CREDITS- Sale Excs & J Aron(Energy) ->				-3,326,878		-288,000						-3,614,878
Net Total Delivered kWh as Billed ->	6,914,954	44,052	926,874	-1,044,307	3,530,134	0	355	2,255,740	26,314	0	0	12,654,116
Percent % of Total Power Purchased->	54.6459%	0.3481%	7.3247%	-8.2526%	27.8971%	0.0000%	0.0028%	17.8261%	0.2079%	0.0000%	0.0000%	100.0000%

**POWER COSTS OF ENERGY, DEMAND, REACTIVE, TAXES, FEES, CREDITS & ADJUSTMENTS:**

<b>Billings Charges - Demand and Energy Direct Charges:</b>												
Demand Chgs * DB +	\$189,565.00	\$23,069.04	\$5,667.52	\$39,502.92	\$25,787.25	\$0.00	\$311.14	\$76,642.35	\$1,358.21	\$0.00	\$0.00	\$361,904.43
Demand Chgs * DB + Debt Srv., Capital (All)	\$0.00	\$0.00	\$0.00	\$26,696.57	\$40,198.45	\$0.00	\$0.00	\$0.00	\$3,531.00	\$0.00	\$0.00	\$70,426.02
Demand Chgs * CR - AMP CT, Trns, Wrk Ca	-\$14,487.06	-\$7,550.48	\$0.00	\$0.00	\$2,488.95	\$0.00	-\$487.54	-\$2,713.91	-\$303.14	\$26,675.92	\$0.00	\$3,622.74
Demand Chgs * CR - AMP CT, Capacity	-\$34,781.24	-\$26,164.00	-\$2,166.98	-\$2,021.96	-\$5,260.20	\$0.00	-\$380.66	-\$6,515.68	-\$152.36	\$0.00	\$0.00	-\$77,443.08
Energy Chgs * DB + On Peak	\$321,978.98	\$1,974.86	\$4,635.51	\$26,164.59	\$99,341.93	\$12,502.37	\$12.81	\$48,156.30	\$0.00	\$5,274.70	\$0.00	\$520,042.05
Energy Chgs * DB + Off Pk, Eff. Sm, RPM Cap	\$38,168.43	\$0.00	\$42,950.42	\$21,979.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$70,792.45	\$0.00	\$173,891.28
Energy Chgs * CR - NP Res. J Aron,RPM Ce	\$0.00	\$0.00	\$0.00	-\$118,775.42	\$0.00	-\$12,502.37	\$0.00	\$0.00	\$0.00	-\$5,338.31	\$0.00	-\$136,616.10
<b>Billings - Adjustments, Service Fees &amp; Billing and Rate Adjustments:</b>												
Adj -Net Congstn . Loss & FTRs/Capcty +	\$0.00	\$0.00	\$0.00	\$13,273.50	\$5,625.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,898.50
Adj -Net Congstn . Loss & FTRs/Capcty -	\$0.00	\$0.00	-\$724.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$724.69
Service Fees AMP-Dispatch Center	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Service Fees AMP-Part A,(Net of Adj.)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,625.29	\$1,625.29
Service Fees AMP-Part B,(Net of Adj.)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,833.68	\$4,833.68
Service Fees-Charges & Adjustments	\$0.00	\$0.00	\$207.99	\$0.00	\$3,213.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,421.47
Other Billing Adjustments "+ or "-"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
City Rate Adj.in Cost of Power (1)											\$60,000.00	\$60,000.00
<b>TOTAL COSTS TO ALLOCATE</b>	<b>\$500,445.11</b>	<b>-\$8,670.58</b>	<b>\$50,569.77</b>	<b>\$6,820.18</b>	<b>\$171,394.86</b>	<b>\$0.00</b>	<b>-\$544.25</b>	<b>\$115,569.06</b>	<b>\$4,433.71</b>	<b>\$97,404.76</b>	<b>\$66,458.97</b>	<b>\$1,003,881.59</b>
Purchased Power Cost per kWh-> (Excludes Credits on kWh)	\$0.072371	-\$0.196826	\$0.054559	\$0.002988	\$0.048552	\$0.000000	-\$1.533099	\$0.051233	\$0.168492	\$0.000000	\$0.000000	\$0.079332
							(NWASG Pool Power - Averaged Energy Charge/kWh) - JV2 Electric Service Rate ->					\$0.021092
							(NWASG Pool Power - Averaged Energy Charge/kWh) - JV5 Electric Service Rate ->					\$0.021092

NOTE: (1) A Permanent \$60,000 Monthly Cost of Power representing a Five (5%) Increase, as Approved by Council in Ord.# 003-08, passed 01/07/2008, effective billing March, 2008.

<b>RATIOS COMPUTATION (By Billed Demand and Energy):</b>												
Demand Ratio	28.0346%	122.7766%	6.8522%	-994.4886%	38.8877%	0.0000%	102.3537%	58.3311%	100.0000%	27.3867%	19.3919%	24.4906%
Energy Ratio	71.9654%	-22.7766%	93.1478%	1094.4886%	61.1123%	0.0000%	-2.3537%	41.6689%	0.0000%	72.6133%	80.6081%	75.5094%
Verification Total-Ratio's = 100.0000%	100.0000%	100.0000%	100.0000%	100.0000%	100.0000%	0.0000%	100.0000%	100.0000%	100.0000%	100.0000%	100.0000%	100.0000%

<b>COST ALLOCATION TO SERVICE FEES &amp; BILLING AND RATE ADJUSTMENTS - By DEMAND and ENERGY RATIOS:</b>												
<b>Adj.-Net Congestion, Losses &amp; FTRs</b>												<b>TOTALS</b>
Demand Allocation based on Ratio	\$0.00	\$0.00	-\$49.66	-\$132,003.44	\$2,187.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$129,865.67
Energy Allocation based on Ratio	\$0.00	\$0.00	-\$675.03	\$145,276.94	\$3,437.57	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$148,039.48
Verification Total	\$0.00	\$0.00	-\$724.69	\$13,273.50	\$5,625.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,173.81
<b>Service Fees-AMP Charges (Dispatch, Part A &amp; Part B)</b>												<b>A-AMP RATIO</b>
Demand Allocation based on Ratio	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,252.52	\$1,252.52
Energy Allocation based on Ratio	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,206.45	\$5,206.45
Verification Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,458.97	\$6,458.97
<b>Service Fees-Charges &amp; Adjustments &amp; Other Billing Adjustments</b>												<b>B-CITY RATIO</b>
Demand Allocation based on Ratio	\$0.00	\$0.00	\$14.25	\$0.00	\$1,249.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,263.90
Energy Allocation based on Ratio	\$0.00	\$0.00	\$193.74	\$0.00	\$1,963.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,157.57
Verification Total	\$0.00	\$0.00	\$207.99	\$0.00	\$3,213.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,421.47
<b>City Rate Adjustment in Cost of Power (1)</b>												<b>B-CITY RATIO</b>
Demand Allocation based on Ratio	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,694.36	\$14,694.36
Energy Allocation based on Ratio	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45,305.64	\$45,305.64
Verification Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$60,000.00	\$60,000.00

**BILLING DETERMINANTS - NOVEMBER, 2012**

NOVEMBER, 2012

PREVIOUS MONTH'S POWER BILLS - PURCHASED POWER AND POWER SUPPLY COST ALLOCATIONS:

**Power Supply Cost Allocation Worksheet**

Power Source	Billing Charges Demand	Billing Charges Energy	Service Fees AMP Chrgs. Demand	Service Fees AMP Chrgs. Energy	Service Fees Cng./Chs.&Adj. Demand	Service Fees Cng./Chs.&Adj. Energy	City Rate Adjustment Demand	City Rate Adjustment Energy	TOTALS		Cost Verify Check (Rounded)	
									Total Demand	Total Energy	\$998,981	\$998,981
GORSUCH & EFF SMART SCHEDULED	\$140,297	\$360,147	\$0	\$0	\$0	\$0	\$0	\$0	\$140,297	\$360,147	\$500,444	\$500,445
AMP CTCAP & TRANS. SCHEDULED	-\$10,646	\$1,975	\$0	\$0	\$0	\$0	\$0	\$0	-\$10,646	\$1,975	-\$8,671	-\$8,671
NAPOLEONSCHEDULED	\$3,501	\$47,586	\$0	\$0	-\$35	-\$481	\$0	\$0	\$3,466	\$47,105	\$50,571	\$50,570
NORTHERN POWER POOL.SCHEDULED	\$64,178	-\$70,631	\$0	\$0	-\$132,003	\$145,277	\$0	\$0	-\$67,825	\$74,646	\$6,821	\$6,820
FREEMONT ENERGY SCHEDULED	\$63,214	\$99,342	\$0	\$0	\$3,437	\$5,401	\$0	\$0	\$66,651	\$104,743	\$171,394	\$171,395
J-ARON PP and SALE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
JV-2 PEAKING SCHEDULED	-\$557	\$13	\$0	\$0	\$0	\$0	\$0	\$0	-\$557	\$13	-\$544	-\$544
JV-5 HYDRO	\$67,413	\$48,156	\$0	\$0	\$0	\$0	\$0	\$0	\$67,413	\$48,156	\$115,569	\$115,569
JV-6 WIND SCHEDULED	\$4,434	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,434	\$0	\$4,434	\$4,434
TRANSMISSION CHARGES - All Charges	\$26,676	\$70,729	\$0	\$0	\$0	\$0	\$0	\$0	\$26,676	\$70,729	\$97,405	\$97,405
A - AMP Service Fees- Dispatch, A & B	\$0	\$0	\$1,253	\$5,206	\$0	\$0	\$0	\$0	\$1,253	\$5,206	\$6,459	\$6,459
B - City Rate Adjustmt + to Cost of Power	\$0	\$0	\$0	\$0	\$0	\$0	\$14,694	\$45,306	\$14,694	\$45,306	\$60,000	\$60,000
C - Outdoor Light Credit Reconciliation	\$0	\$0	\$0	\$0	\$0	\$0	-\$1,200	-\$3,701	-\$1,200	-\$3,701	-\$4,901	-\$4,901
<b>TOTALS - ALL</b>	<b>\$358,510</b>	<b>\$557,317</b>	<b>\$1,253</b>	<b>\$5,206</b>	<b>-\$128,601</b>	<b>\$150,197</b>	<b>\$13,494</b>	<b>\$41,605</b>	<b>\$244,656</b>	<b>\$754,325</b>	<b>\$998,981</b>	<b>\$998,981</b>

**RATIOS COMPUTATIONS (By Billed Demand and Energy):**

**A - AMP Service Fees - Ratio Allocation (Excluding JV2, JV5 & JV6, & Service Fees)**

Totals - AMP All Billing Costs by Demand and Energy (Excludes: JV2, JV5 & JV6, & AMP Service Fees)

Ratios to Allocate AMP Service Fees

	Demand	Energy	Verification Totals	Verification Totals
Totals - AMP All Billing Costs by Demand and Energy (Excludes: JV2, JV5 & JV6, & AMP Service Fees)	\$158,619	\$659,345	\$817,964	\$817,964
Ratios to Allocate AMP Service Fees	19.3919%	80.6081%	100.0000%	100.0000%

**B - City Rate Adjustment - Ratio Allocation (To Total Cost of Power)**

Totals - All Billing Costs both Demand and Energy

Ratios to Allocate City Rate Adjustment

	Demand	Energy	Verification Totals	Verification Totals
Totals - All Billing Costs both Demand and Energy	\$231,162	\$712,720	\$943,882	\$943,882
Ratios to Allocate City Rate Adjustment	24.4906%	75.5094%	100.0000%	100.0000%

**C - Outdoor Street Lights and Miscellaneous - Ratio Allocation (To ALL Costs of Power, Including City Rate Adjustment)**

Totals - All Billing Costs both Demand and Energy

Ratios to Allocate City Rate Adjustment

	Demand	Energy	Verification Totals	Verification Totals
Totals - All Billing Costs both Demand and Energy	\$245,856	\$758,026	\$1,003,882	\$1,003,882
Ratios to Allocate City Rate Adjustment	24.4905%	75.5095%	100.0000%	100.0000%

**Other Cost and Reconciliation Items for Power Supply Cost Allocation Worksheet:**

**C - Outdoor Street Light Reconciliation Credit Computation**

Outdoor Street Light Cost by Average Cost of Power:

Total Purchased Power Cost (Cost Per kWh, on Page 3)

Total Outdoor Street Light kWh by Light Type (on Page 2)

Net Allocated - Security Street Light Credit

Less: Security Street Light Corrections (If Any)

Net Allocated - Security Street Light Credit

\$0.079332

61,779

-\$4,901.05

\$0.00

-\$4,901.05

	Demand	Energy	Verification Totals	Verification Totals
Net Allocated - Security Street Light Credit	-\$1,200	-\$3,701	-\$4,901	-\$4,901
Less: Security Street Light Corrections (If Any)	\$0	\$0	\$0	\$0
Net Allocated - Security Street Light Credit	-\$1,200	-\$3,701	-\$4,901	-\$4,901



**AMERICAN MUNICIPAL POWER, INC.**

1111 Schrock Rd, Suite 100  
 COLUMBUS, OHIO 43229  
 PHONE: (614) 540-1111  
 FAX: (614) 540-1078

INVOICE NUMBER: 175091  
 INVOICE DATE: 10/11/2012  
 DUE DATE: 10/26/2012  
 TOTAL AMOUNT DUE: \$801,380.22  
 CUSTOMER NUMBER: 5020  
 CUSTOMER P.O. #: RG10046

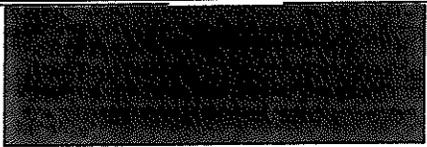
**City of Napoleon**

Gregory J. Heath, Finance Director  
 255 W. Riverview Ave., P.O. Box 151  
 Napoleon, Ohio 43545-0151

PLEASE WRITE INVOICE NUMBER ON  
 REMITTANCE AND RETURN YELLOW INVOICE  
 COPY. MAKE CHECK PAYABLE TO AMP.

**Northern Power Pool Billing - September, 2012**

MUNICIPAL PEAK: 27,779 kW  
 TOTAL METERED ENERGY: 12,720,202 kWh



Total Power Charges: \$697,516.49  
 Total Transmission Charges: \$97,404.76  
 Total Other Charges: \$6,458.97  
 Total Miscellaneous Charges: \$0.00

**GRAND TOTAL POWER INVOICE: \$801,380.22**

**\*\*The Total Charges on this invoice may include a credit paid to the Municipal for power supply which was invoiced separately and repurchased by AMP for use as a Northern Power Pool Resource.**

**NOTE: PLEASE SEE ENCLOSED BACKUP FOR MORE DETAILED INFORMATION**

\*\*\* To avoid a delayed payment charge, payment must be made to provide available funds for use by AMP on or before the due date.

Wire or ACH Transfer Information :  
 Huntington National Bank  
 Columbus, Ohio  
 Account 0189-2204055  
 ABA: #044 000024

Mailing Address :  
 AMP, Inc.  
 Dept. L614  
 Columbus, Oh 43260

<b>BANK LOCK BOX DEPOSIT</b>		<b>AMOUNT</b>
General Fund (010)	10	-\$72,439.49
ECC (012)	12	0
RHGS (020)	20	511544.9812
AMPCT (025)	25	25043.90545
ESPP (016)	16	\$38,168.43
JV5 (065)	65	\$0.00
AFEC (004)	4	\$165,769.86
AMPGS (009)	9	\$0.00
PSEC (013)	13	\$90,342.12
NapSolar (031)	31	\$42,950.42
<b>TOTAL DEPOSIT</b>		<b>\$801,380.22</b>

**DETAIL INFORMATION OF POWER CHARGES    September , 2012**  
**Napoleon**

FOR THE MONTH OF:	September, 2012	Total Metered Load kWh:	12,720,202
		Transmission Losses kWh:	-66,086
		Distribution Losses kWh:	0
		<b>Total Energy Req. kWh:</b>	<b>12,654,116</b>
TIME OF FENTS PEAK:	09/06/2012 @ H.E. 16:00	COINCIDENT PEAK kW:	27,779
TIME OF MUNICIPAL PEAK:	09/06/2012 @ H.E. 16:00	MUNICIPAL PEAK kW:	27,779
TRANSMISSION PEAK:	7/21/2011 HE 15:00 EST	TRANSMISSION PEAK kW:	30,353
		PJM Capacity Requirement kW:	30,248

**Napoleon Resources**

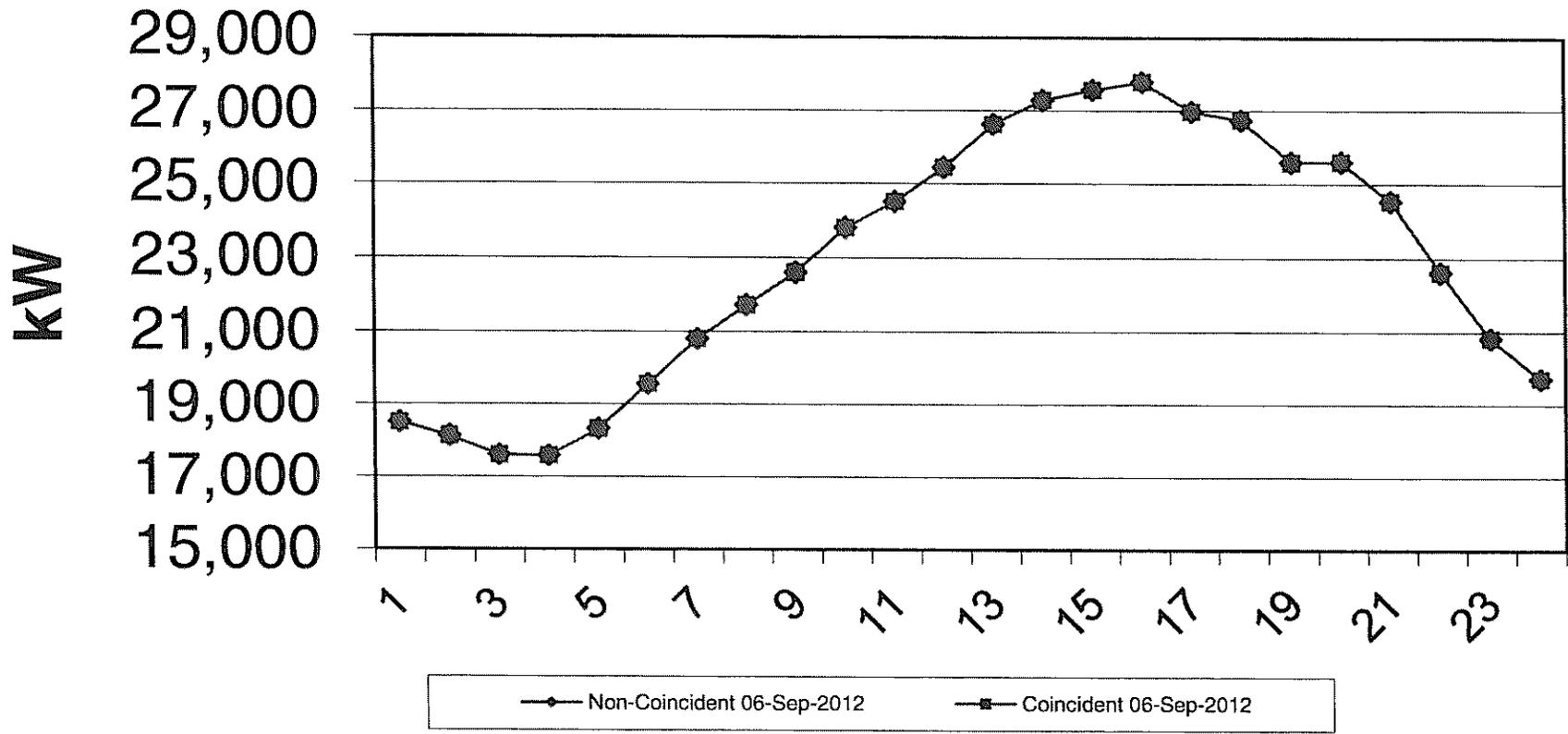
<b>AMP CT - Sched @ ATSI</b>				
Demand Charge:	\$1.860407	/ kW *	12,400 kW =	\$23,069.04
Energy Charge:	\$0.044831	/ kWh *	44,052 kWh =	\$1,974.86
Transmission Credit:	\$0.608910	/ kW *	-12,400 kW =	-\$7,550.48
Capacity Credit:	\$2.110000	/ kW *	-12,400 kW =	-\$26,164.00
<b>Subtotal</b>	<b>-\$0.196828</b>	<b>/ kWh *</b>	<b>44,052 kWh =</b>	<b>-\$8,670.58</b>
<b>Fremont - sched @ Fremont</b>				
Demand Charge:	\$2.941400	/ kW *	8,767 kW =	\$25,787.25
Energy Charge:	\$0.028141	/ kWh *	3,530,134 kWh =	\$99,341.93
Net Congestion, Losses, FTR:	\$0.001593	/ kWh *		\$5,625.01
Capacity Credit:	\$0.600000	/ kW *	-8,767 kW =	-\$5,260.20
Debt Service	\$4.585200	/ kW	8,767 kW	\$40,198.45
Capital Improvements			8,767 kW	\$0.00
Working Capital	\$0.283900	/ kW	8,767 kW	\$2,488.95
Adjustment for prior month:				\$3,213.48
<b>Subtotal</b>	<b>\$0.048552</b>	<b>/ kWh *</b>	<b>3,530,134 kWh =</b>	<b>\$171,394.86</b>
<b>Prairie State - Sched @ PJMC</b>				
Demand Charge:	\$15.877378	/ kW *	2,488 kW =	\$39,502.92
Energy Charge:	\$0.015585	/ kWh *	1,678,847 kWh =	\$26,164.59
Net Congestion, Losses, FTR:	\$0.007906	/ kWh *		\$13,273.50
Capacity Credit:	\$0.812685	/ kW *	-2,488 kW =	-\$2,021.96
Debt Service	\$10.730133	/ kW	2,488 kW	\$26,696.57
<b>Subtotal</b>	<b>\$0.061718</b>	<b>/ kWh *</b>	<b>1,678,847 kWh =</b>	<b>\$103,615.62</b>
<b>JV2 - Sched @ ATSI</b>				
Demand Charge:			264 kW	
Energy Charge:	\$0.036115	/ kWh *	355 kWh =	\$12.81
Transmission Credit:	\$1.846745	/ kW *	-264 kW =	-\$487.54
Capacity Credit:	\$1.441910	/ kW *	-264 kW =	-\$380.66
<b>Subtotal</b>	<b>-\$2.411419</b>	<b>/ kWh *</b>	<b>355 kWh =</b>	<b>-\$855.39</b>
<b>Gorsuch Losses - Sched @ ATSI</b>				
Energy Charge:			99,286 kWh	
<b>Subtotal</b>	<b>#N/A</b>	<b>/ kWh *</b>	<b>99,286 kWh =</b>	<b>\$0.00</b>
<b>JV6 - Sched @ ATSI</b>				
Demand Charge:			300 kW	
Energy Charge:			26,314 kWh	
Transmission Credit:	\$1.010480	/ kW *	-300 kW =	-\$303.14
Capacity Credit:	\$2.110000	/ kW *	-72 kW =	-\$152.36
<b>Subtotal</b>	<b>-\$0.017310</b>	<b>/ kWh *</b>	<b>26,314 kWh =</b>	<b>-\$455.50</b>
<b>J Aron (PP) - 7x24 @ AD(nc)</b>				
Demand Charge:			400 kW	
Energy Charge:			288,000 kWh	
<b>Subtotal</b>	<b>#N/A</b>	<b>/ kWh *</b>	<b>288,000 kWh =</b>	<b>\$0.00</b>
<b>J Aron (Sale) - 7x24 @ AD(nc)</b>				
Demand Charge:			-400 kW	
Energy Charge:	\$0.043411	/ kWh *	-288,000 kWh =	-\$12,502.37
<b>Subtotal</b>	<b>\$0.043411</b>	<b>/ kWh *</b>	<b>-288,000 kWh =</b>	<b>-\$12,502.37</b>
<b>NYPA - Sched @ NYIS</b>				
Demand Charge:	\$5.518516	/ kW *	1,027 kW =	\$5,667.52
Energy Charge:	\$0.010996	/ kWh *	421,575 kWh =	\$4,635.51
Net Congestion, Losses, FTR:	-\$0.001719	/ kWh *		-\$724.69
Capacity Credit:	\$2.110000	/ kW *	-1,027 kW =	-\$2,166.97
Adjustment for prior month:				\$207.99
<b>Subtotal</b>	<b>\$0.018074</b>	<b>/ kWh *</b>	<b>421,575 kWh =</b>	<b>\$7,619.35</b>
<b>JV5 - 7X24 @ ATSI</b>				
Demand Charge:			3,088 kW	
Energy Charge:			2,223,360 kWh	
Transmission Credit:	\$0.878856	/ kW *	-3,088 kW =	-\$2,713.91
Capacity Credit:	\$2.110000	/ kW *	-3,088 kW =	-\$6,515.68
<b>Subtotal</b>	<b>-\$0.004151</b>	<b>/ kWh *</b>	<b>2,223,360 kWh =</b>	<b>-\$9,229.59</b>
<b>JV5 Losses - Sched @ ATSI</b>				

**DETAIL INFORMATION OF POWER CHARGES    September , 2012**  
**Napoleon**

Energy Charge:			32,380 kWh	
<b>Subtotal</b>	<b>#N/A</b>	<b>/ kWh *</b>	<b>32,380 kWh =</b>	<b>\$0.00</b>
<b>Napoleon Solar - sched @ ATSI</b>				
Demand Charge:			1,000 kW	
Energy Charge:	\$0.085000	/ kWh *	505,299 kWh =	\$42,950.42
<b>Subtotal</b>	<b>\$0.085000</b>	<b>/ kWh *</b>	<b>505,299 kWh =</b>	<b>\$42,950.42</b>
<b>Gorsuch - Sched @ ATSI</b>				
Demand Charge:	\$11.500000	/ kW *	16,484 kW =	\$189,566.00
Energy Charge:	\$0.047241	/ kWh *	6,815,668 kWh =	\$321,978.98
Transmission Credit:	\$0.878856	/ kW *	-16,484 kW =	-\$14,487.06
Capacity Credit:	\$2.110000	/ kW *	-16,484 kW =	-\$34,781.24
<b>Subtotal</b>	<b>\$0.067826</b>	<b>/ kWh *</b>	<b>6,815,668 kWh =</b>	<b>\$462,276.68</b>
<b>EFFICIENCY SMART POWER PLANT</b>				
ESPP charges @ \$3.095 /MWh x 147,987.5 MWh / 12				\$38,168.43
<b>Subtotal</b>				<b>\$38,168.43</b>
<b>Northern Power Pool:</b>				
Off Peak Energy Charge:	\$0.036407	/ kWh *	603,724 kWh =	\$21,979.98
Sale of Excess Non-Pool Resources to Pool	\$0.035702	/ kWh *	-3,326,878 kWh =	-\$118,775.42
<b>Subtotal</b>	<b>\$0.035545</b>	<b>/ kWh *</b>	<b>-2,723,154 kWh =</b>	<b>-\$96,795.44</b>
<b>Total Demand Charges:</b>				<b>\$249,991.49</b>
<b>Total Energy Charges:</b>				<b>\$447,525.00</b>
<b>Total Power Charges:</b>			<b>12,654,116 kWh</b>	<b>\$697,516.49</b>
<b>TRANSMISSION CHARGES:</b>				
Demand Charge:	\$0.878856	/ kW *	30,353 kW =	\$26,675.92
Energy Charge:	\$0.001459	/ kWh *	3,615,087 kWh =	\$5,274.70
RPM (Capacity) Charges:	\$2.340400	/ kW *	30,248 kW =	\$70,792.45
RPM (Capacity) Credits (not listed above):	\$2.110000	/ kW *	-2,530 kW =	-\$5,338.30
<b>TOTAL TRANSMISSION CHARGES:</b>	<b>\$0.026944</b>	<b>/ kWh *</b>	<b>3,615,087 kWh =</b>	<b>\$97,404.76</b>
<b>Service Fee Part A,</b>				
Based on Annual Municipal Sales	\$0.000125	/ kWh *	156,027,853 kWh 1/12 =	\$1,625.29
<b>Service Fee Part B,</b>				
Energy Purchases	\$0.000380	/ kWh *	12,720,202 kWh =	\$4,833.68
<b>TOTAL OTHER CHARGES:</b>				<b>\$6,458.97</b>
<b>GRAND TOTAL POWER INVOICE:</b>				<b>\$801,380.22</b>

Napoleon Capacity Plan - Actual												
Sep	2012	ACTUAL DEMAND =		27.779	MW							
Days	30	ACTUAL ENERGY =		12,720	MWH							
	SOURCE	DEMAND	DEMAND	ENERGY	LOAD	DEMAND	ENERGY				EFFECTIVE	%
	(1)	MW	MW-MO	MWH	FACTOR	RATE	RATE	DEMAND	ENERGY	TOTAL	RATE	OF
		(2)	(3)	(4)	(5)	\$/KW	\$/MWH	CHARGE	CHARGE	CHARGES	\$/MWH	DOLLARS
						(6)	(7)	(9)	(10)	(11)	(12)	(13)
1	NWASG Pool Purchases	0.00	0.00	604	0%	\$0.00	\$36.41	\$0	\$21,980	\$21,980	\$36.41	2.3%
2	NWASG Pool Sales	0.00		-3,327	0%	\$0.00	\$35.70	\$0	-\$118,775	-\$118,775	\$35.70	-12.6%
3	Gorsuch	16.48	16.48	6,816	57%	\$8.51	\$47.24	\$140,298	\$321,979	\$462,277	\$67.83	49.1%
4	NYPA	1.03	1.03	422	57%	\$3.61	\$9.28	\$3,709	\$3,911	\$7,619	\$18.07	0.8%
5	JV5	3.09	3.09	2,223	100%	\$21.83	\$21.66	\$67,413	\$48,156	\$115,569	\$51.98	12.3%
6	AFEC	8.77	8.77	3,530	56%	\$7.58	\$29.73	\$66,428	\$104,967	\$171,395	\$48.55	18.2%
7	Landfill	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
8	AMPCT	12.40	12.40	44	0%	-\$0.86	\$44.83	-\$10,645	\$1,975	-\$8,671	-\$196.83	-0.9%
9	Prairie State	2.49	2.49	1,679	94%	\$25.79	\$23.49	\$64,178	\$39,438	\$103,616	\$61.72	11.0%
10	JV2	0.26	0.26	0	0%	-\$2.11	\$36.11	-\$557	\$13	-\$544	-\$1,533.08	-0.1%
11	JV6	0.30	0.30	26	12%	\$14.78	\$0.00	\$4,434	\$0	\$4,434	\$168.49	0.5%
12	J Aron	0.40	0.40	288	100%	\$0.00	\$43.41	\$0	\$12,502	\$12,502	\$43.41	1.3%
13	J Aron Sale	-0.40	-0.40	-288	100%	\$0.00	\$43.41	\$0	-\$12,502	-\$12,502	\$43.41	-1.3%
14	Zelie/Wamp 5x16 & 2x16 (DB)	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
15	Blue Creek Wind / Napoleon	1.00	1.00	505	70%	\$0.00	\$85.00	\$0	\$42,950	\$42,950	\$85.00	4.6%
16	Morgan Stanley 10 yr 7x24	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
17	Barclays 2008-12 5x16	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
18	Zelie/Wamp 7x24 (AEP, NEAS)	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
19	Morg. S/Sempra 2008-2012 7	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
20	Ell/Grov 7x24 (DB, NWASG P	0.00	0.00	0	0%	\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
	<b>POWER TOTAL</b>	<b>45.82</b>	<b>45.82</b>	<b>12,522</b>	<b>38%</b>	<b>\$7.32</b>	<b>\$37.26</b>	<b>\$335,256</b>	<b>\$466,594</b>	<b>\$801,850</b>	<b>\$64.03</b>	<b>85.1%</b>
21	Energy Efficiency			12,720		\$0.00	\$3.00	\$0	\$38,168	\$38,168	\$3.00	4.1%
22	Installed Capacity	30.25	30.25			\$2.34		\$70,792	-\$5,338	\$65,454	\$5.15	6.9%
23	TRANSMISSION	30.35	30.35	3,615		\$0.88	\$1.46	\$26,676	\$5,275	\$31,951	\$2.51	3.4%
25	Distribution Charge	30.35	30.35			\$0.00	\$0.00	\$0	\$0	\$0	\$0.00	0.0%
24	Service Fee B			12,720			\$0.38		\$4,834	\$4,834	\$0.38	0.5%
26	Dispatch Charge			12,720			\$0.00		\$0	\$0	\$0.00	0.0%
	<b>OTHER TOTAL</b>							<b>\$97,468</b>	<b>\$42,939</b>	<b>\$140,407</b>	<b>\$11.04</b>	<b>14.9%</b>
	<b>GRAND TOTAL PURCHASED</b>			<b>12,522</b>				<b>\$432,724</b>	<b>\$509,532</b>	<b>\$942,256</b>		
	Delivered to members	27.779	27.779	12,720	63.60%			\$432,724	\$509,532	\$942,256	\$74.08	100.0%
	2012 Forecast	29.35		12,873	61%					TOTAL \$	\$/MWh	Avg Temp
	2011 Actual	31.00		12,811	57%					\$903,106	\$70.16	64.1
	2010 Actual	29.95		13,116	61%					\$959,752	\$74.92	62.8
										\$902,326	\$68.80	65.1
										Actual Temp		62.2

# Napoleon Peak Day Load Curve



NAPOLEON

Date	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Hour	9/1/2012	9/2/2012	9/3/2012	9/4/2012	9/5/2012	9/6/2012	9/7/2012	9/8/2012	9/9/2012	9/10/2012	9/11/2012	9/12/2012	9/13/2012	9/14/2012	9/15/2012
100	17,035	13,716	13,867	18,273	18,743	18,506	18,514	14,647	11,895	15,232	15,809	16,457	17,007	16,588	12,696
200	16,109	13,302	13,331	17,851	18,197	18,131	17,895	13,968	11,666	15,190	15,403	16,087	16,803	16,165	12,335
300	15,406	12,828	12,713	17,431	17,565	17,610	17,351	13,332	11,360	14,781	15,205	15,845	16,438	15,913	12,164
400	14,917	12,603	12,648	17,705	17,758	17,589	17,347	13,038	11,350	14,948	15,452	16,018	16,554	16,052	12,187
500	14,705	12,866	12,777	18,289	18,390	18,324	17,852	13,305	11,450	15,997	16,498	17,092	17,217	16,860	12,563
600	15,184	13,336	13,076	19,818	19,515	19,565	19,181	13,798	11,831	17,276	17,485	18,191	18,712	18,137	13,159
700	15,299	13,482	12,840	21,405	20,737	20,807	20,226	14,053	12,008	18,241	18,479	19,055	19,992	19,768	13,344
800	15,923	14,200	13,903	22,551	21,741	21,733	21,003	14,611	12,158	18,707	18,939	19,686	20,224	20,156	14,048
900	16,891	14,941	15,738	23,400	22,655	22,607	21,709	15,344	12,711	19,166	19,467	20,339	20,820	20,448	14,612
1000	17,330	15,683	17,261	23,930	23,650	23,810	22,599	15,674	13,393	19,904	20,296	20,932	21,781	20,397	14,881
1100	17,259	16,470	18,873	24,740	24,983	24,520	22,996	15,854	14,042	20,021	20,440	21,107	22,053	20,090	15,016
1200	17,202	17,054	20,281	25,751	25,547	25,431	23,661	15,786	14,112	20,201	20,805	21,702	22,619	19,666	15,093
1300	17,501	17,336	21,135	26,823	25,411	26,627	23,488	15,771	14,179	20,759	21,226	22,473	23,126	19,595	15,004
1400	18,072	17,592	21,475	27,241	24,353	27,285	23,196	15,406	14,302	20,818	17,379	22,636	23,592	19,542	14,983
1500	18,129	18,351	21,772	27,733	24,463	27,561	22,522	15,327	15,077	20,483	21,188	22,802	23,107	19,118	14,813
1600	18,541	18,979	22,572	27,631	24,647	27,779	22,970	15,338	15,219	20,388	21,339	23,203	23,018	18,941	14,981
1700	18,761	18,761	21,598	26,677	24,218	26,973	22,719	15,534	15,286	20,160	20,800	22,918	22,285	18,473	15,047
1800	18,329	18,535	21,011	26,323	23,938	26,738	22,222	14,999	15,528	19,954	20,512	22,672	21,652	18,051	14,810
1900	18,061	18,049	20,792	25,323	23,504	25,575	21,291	14,670	15,727	19,409	20,118	22,225	21,342	17,285	14,478
2000	18,484	18,115	21,130	25,388	23,772	25,580	21,846	15,483	16,407	19,834	20,976	22,516	22,224	17,812	15,303
2100	18,115	18,033	20,838	24,674	23,072	24,548	21,018	15,112	16,397	19,017	20,132	21,440	21,064	17,262	14,845
2200	16,905	16,945	19,913	22,907	21,609	22,625	19,521	14,150	16,115	17,922	18,753	19,714	19,465	16,286	13,944
2300	15,632	15,691	19,505	21,256	20,345	20,834	17,054	13,124	15,996	16,945	17,560	18,623	18,319	14,406	13,008
2400	14,495	14,587	18,962	19,992	19,377	19,719	15,447	12,369	15,705	16,349	16,964	17,765	17,223	13,188	12,296
Total	404,285	381,455	428,011	553,112	508,813	550,477	493,628	350,693	333,914	441,702	450,845	482,685	486,637	430,199	335,610

Date	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday
Hour	9/16/2012	9/17/2012	9/18/2012	9/19/2012	9/20/2012	9/21/2012	9/22/2012	9/23/2012	9/24/2012	9/25/2012	9/26/2012	9/27/2012	9/28/2012	9/29/2012	9/30/2012	10/1/2012
100	11,694	15,188	17,171	15,659	16,115	15,829	12,305	11,294	15,117	15,386	16,088	16,049	15,519	12,570	11,606	-
200	11,440	15,140	16,753	15,730	15,859	15,671	12,042	11,044	15,103	15,304	16,051	15,915	15,524	12,320	11,433	-
300	11,213	14,879	16,640	15,467	15,703	15,243	11,695	10,850	15,124	15,124	15,748	15,806	15,200	11,945	11,182	-
400	11,100	15,078	16,873	15,624	15,966	15,524	11,703	10,772	15,229	15,405	15,949	15,960	15,453	11,857	11,190	-
500	11,206	16,068	17,677	16,266	16,804	16,355	12,100	11,030	16,126	16,240	16,626	16,514	16,236	12,158	11,503	-
600	11,722	17,699	18,982	17,736	18,158	17,836	12,784	11,370	17,841	17,955	18,063	17,516	17,511	12,855	11,983	-
700	11,801	18,862	20,726	18,958	19,567	19,223	13,446	11,798	19,276	19,281	19,923	19,353	18,834	14,123	12,474	-
800	12,166	19,169	20,781	19,276	19,697	19,561	13,929	12,117	19,595	19,791	20,225	19,905	18,951	14,592	12,543	-
900	12,757	19,665	20,661	19,627	19,780	19,566	14,574	12,671	19,455	20,007	20,304	20,012	19,185	15,184	13,006	-
1000	13,222	20,282	20,835	20,014	20,410	20,167	14,883	13,085	20,042	20,331	21,028	20,411	19,505	15,660	13,374	-
1100	13,706	20,789	20,951	19,969	20,265	20,167	15,034	13,326	19,794	20,235	20,886	20,523	19,719	15,376	13,778	-
1200	14,033	21,108	20,814	20,134	20,431	20,442	14,889	13,399	19,660	20,316	20,763	20,714	19,821	15,203	14,272	-
1300	14,407	21,432	20,806	20,100	20,455	20,512	14,824	13,505	19,965	20,126	20,909	20,417	19,763	15,108	13,989	-
1400	14,592	21,432	20,417	19,966	20,234	19,866	14,758	13,432	19,730	19,922	21,017	20,282	19,425	14,791	14,128	-
1500	15,142	21,251	19,927	19,477	19,989	19,302	14,240	14,118	18,571	19,452	20,381	19,743	18,639	14,312	14,064	-
1600	15,435	21,252	19,583	19,561	19,748	18,933	13,958	14,118	18,603	19,291	20,209	19,738	18,546	14,423	14,668	-
1700	15,722	20,712	19,126	19,241	19,108	18,515	13,800	14,444	18,313	19,082	19,701	19,160	18,023	14,353	14,803	-
1800	15,848	20,349	18,763	19,213	18,945	18,216	13,643	14,680	18,240	18,897	19,621	18,713	17,625	14,178	14,748	-
1900	16,007	20,408	18,485	19,275	19,184	18,383	13,913	15,407	18,452	19,250	20,286	19,175	17,952	14,475	15,915	-
2000	16,949	20,907	19,244	19,995	19,872	18,499	14,748	16,261	18,911	19,703	20,463	19,753	18,270	15,064	16,334	-
2100	16,360	20,165	18,427	19,198	18,889	17,947	14,408	15,934	18,386	19,015	19,413	18,765	17,910	14,702	15,905	-
2200	16,006	19,095	17,344	18,152	17,814	16,722	13,516	15,550	17,557	17,898	18,273	17,574	16,480	13,865	15,959	-
2300	15,887	18,198	16,829	17,124	16,814	14,279	12,576	15,724	16,607	17,179	17,430	16,719	13,783	13,072	15,830	-
2400	15,555	17,655	16,170	16,463	16,195	12,766	11,717	15,463	15,813	16,589	16,738	16,087	12,912	12,063	15,583	-
Total	333,970	439,128	453,985	442,225	445,992	429,524	325,485	321,392	431,217	441,779	456,295	444,807	420,786	334,249	330,270	-
											Maximum	27,779	Minimum	10,772	Grand Total	12,720,202



**AMERICAN MUNICIPAL POWER, INC.**  
 1111 Schrock Rd, Suite 100  
 COLUMBUS, OHIO 43229  
 PHONE: (614) 540-1111  
 FAX: (614) 540-1078

INVOICE NUMBER: 174629  
 INVOICE DATE: 10/1/2012  
 DUE DATE: 10/16/2012  
 TOTAL AMOUNT DUE: \$12,502.37  
 CUSTOMER NUMBER: 5020  
 CUSTOMER P.O. #: N/A

**City of Napoleon**  
 Gregory J. Heath, Finance Director  
 255 W. Riverview Ave., P.O. Box 151  
 Napoleon, Ohio 43545-0151

PLEASE WRITE INVOICE NUMBER ON  
 REMITTANCE AND RETURN YELLOW INVOICE  
 COPY. MAKE CHECK PAYABLE TO AMP, INC.

**Invoice for Debt Service Associated with J Aron Pre-Pay**

Do Not Pay  
 Paid by E-Pay  
 American Municipal PWR Inc  
 Ray Merrill  
 614-540-0914

Project Capacity: 400 kW

For Power delivered during the Month of : **September, 2012**

Contract Obligation 400 kW \* 720 Hours in Month = 288,000 kWh

288,000 kWh @ \$0.04341100 / kWh == \$12,502.37

This amount on this invoice represents an obligation of the Municipality that is payable as an O&M Expense of its Electric System.

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**TOTAL CHARGES** **\$12,502.37**

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\* To avoid a delayed payment charge, payment must be made to provide available funds for use by AMP, Inc on or before the due date.

Wire or ACH Transfer Information :  
 Huntington National Bank  
 Columbus, Ohio  
 Account: 01892464798  
 ABA: #044000024

Mailing Address :  
 AMP, Inc.  
 Dept. L3104  
 Columbus, Ohio 43260

	AMOUNT
Bank Lock Box Deposit	
014	\$12,502.37
Prepay 01892464798	\$12,502.37
<b>TOTAL DEPOSIT</b>	<b>\$12,502.37</b>



**Omega Joint Venture Two**

1111 Schrock Rd, Suite 100  
 COLUMBUS, OHIO 43229  
 PHONE: (614) 540-1111  
 FAX: (614) 540-1078

**City of Napoleon**  
 Gregory J. Heath, Finance Director  
 255 W. Riverview Ave., P.O. Box 151  
 Napoleon, Ohio 43545-0151

**INVOICE NUMBER:** 174839  
**INVOICE DATE:** 10/7/2012  
**DUE DATE:** 10/17/2012  
**TOTAL AMOUNT DUE:** \$311.14  
**CUSTOMER NUMBER:** 5020  
**CUSTOMER P.O. #:**

PLEASE WRITE INVOICE NUMBER ON  
 REMITTANCE AND RETURN YELLOW INVOICE  
 COPY. MAKE CHECK PAYABLE TO OMEGA JV 2

**OMEGA JV2 POWER INVOICE :**

**September, 2012**

Do Not Pay  
 Paid by E-Pay  
 American Municipal PWR Inc  
 Ray Merrill  
 614-540-0914

FIXED RATE CHARGE:	264 kW *	\$1.18 / kW =	\$311.14
ENERGY CHARGE:	0 kWh *	\$0.000000 / kWh =	\$0.00
SERVICE FEES:	0 kWh *	\$0.000000 / kWh =	\$0.00
Fuel Costs that were not recovered through Energy Sales to Market		=	\$0.00

**TOTAL CHARGES** **\$311.14**

\* To avoid a delayed payment charge, payment must be made to provide available funds for use by OMEGA JV-2 on or before the due date.

Wire Transfer Information:  
 Huntington National Bank  
 Columbus, OH  
 Account: 0189-2204055  
 ABA: #044 000024

Mailing Address:  
 AMP, Inc.  
 Dept. L614  
 Columbus, OH 43260

Bank Lockbox Deposit Use Only			
62-4470-8662-4110	\$311.14	62-4470-8662-4121	\$0.00
10-4170-8510-4610	\$0.00	62-4470-8662-4111	\$0.00
62-4470-8662-4125	\$0.00	62-4470-8662-4128	\$0.00
62-4470-8662-4700	\$0.00		

Amount

Omega JV2      0189-2204055 \$311.14

TOTAL DEPOSIT \$311.14

**OMEGA JV5**

OHIO MUNICIPAL ELECTRIC  
GENERATING ASSOCIATION  
1111 Schrock Rd, Suite 100  
Columbus, Ohio 43229  
Phone: (614) 540-1111  
Fax: (614) 540-1078

Do Not Pay  
Paid by E-Pay  
American Municipal PWR Inc  
Ray Merrill 614-540-0914

INVOICE NUMBER: 174939  
INVOICE DATE: 10/4/2012  
DUE DATE: 10/22/2012  
TOTAL AMOUNT DUE: \$60,288.83  
CUSTOMER NUMBER: 5020  
CUSTOMER P.O. NUMBER: BL980397  
MAKE CHECKS PAYABLE TO: OMEGA JV5

**City of Napoleon**  
Gregory J. Heath, Finance Director  
255 W. Riverview Ave., P.O. Box 151  
Napoleon, Ohio 43545-0151

PLEASE WRITE INVOICE NUMBER ON REMITTANCE  
AND RETURN YELLOW INVOICE COPY.

**FOR THE MONTH/YEAR OF: September, 2012**

**DEMAND CHARGES:**

Base Financing Demand Charge: (Invoiced seperately as of 1/1/07)

Base Operating Expense Demand Charge:	\$3.928929	/ kW *	3,088 kW =	\$12,132.53
Seca Associated with JV5.	\$0.000000	/ kW *	3,088 kW =	\$0.00

TOTAL DEMAND CHARGES: \$3.928928 / kW \* 3,088 kW = \$12,132.53

**ENERGY CHARGES:**

JV5 Repl. Pwr. & Variable (Budgeted Rate):	\$0.021659	/ kWh *	2,223,360 kWh =	\$48,156.30
JV5 Fuel Cost (Actual Expense):	\$0.000000	/ kWh *	2,223,360 kWh =	\$0.00

TOTAL ENERGY CHARGES: \$0.021659 / kWh \* 2,223,360 kWh = \$48,156.30

SUB-TOTAL \$60,288.83

~~\$0.00~~  
~~\$0.00~~

**Total OMEGA JV5 Invoice: \$60,288.83**

\* To avoid a delayed payment charge, payment must be made to provide available funds for use by OMEGA-JV5 on or before the due date.

Mailing Address : OMEGA JV5/AMP, Inc.  
Dept. L614  
Columbus, OH 43260

Wire or ACH Transfer Information :  
Huntington National Bank  
Columbus, Ohio  
Account No. 0189-2204055  
ABA: #044 000024

Entity Bank Lockbox Deposit	AMOUNT
65 \$60,288.82	
OMEGA JV5 0189-2204055	\$60,288.83

**OMEGA** JV5  
 OHIO MUNICIPAL ELECTRIC  
 GENERATING ASSOCIATION  
 1111 Schrock Rd, Suite 100  
 Columbus, Ohio 43229  
 Phone: (614) 540-1111  
 Fax: (614) 540-1078

Do Not Pay  
 Paid by E-Pay  
 American Municipal PWR Inc

INVOICE NUMBER: 174981  
 INVOICE DATE: 10/4/2012  
 DUE DATE: 10/22/2012  
 TOTAL AMOUNT DUE: \$64,509.82  
 CUSTOMER NUMBER: 5020  
 CUSTOMER P.O. NUMBER: BL980397  
 MAKE CHECKS PAYABLE TO: OMEGA JV5

**City of Napoleon**  
 Gregory J. Heath, Finance Director  
 255 W. Riverview Ave., P.O. Box 151  
 Napoleon, Ohio 43545-0151

PLEASE WRITE INVOICE NUMBER ON REMITTANCE  
 AND RETURN YELLOW INVOICE COPY.

**Debt Service - OMEGA JV5**



**FOR THE MONTH/YEAR OF:** October, 2012

**Financing CHARGES:**

Base Financing Principal Payment:	\$9.642857	/ kW *	3,088 kW =	\$29,777.14
Base Financing Interest Payment:	\$11.247631	/ kW *	3,088 kW =	\$34,732.68

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TOTAL Financing CHARGES:	\$20.890488	/ kW *	3,088 kW =	\$64,509.82
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SUB-TOTAL				\$64,509.82
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<b>Total OMEGA JV5 Financing Invoice:</b>				<b>\$64,509.82</b>
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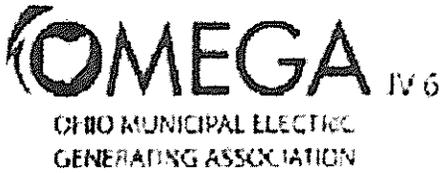
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\* To avoid a delayed payment charge, payment must be made to provide available funds for use by OMEGA-JV5 on or before the due date.

Mailing Address : OMEGA JV5/AMP, Inc.  
 Dept. L614  
 Columbus, OH 43260

Wire or ACH Transfer Information :  
 Huntington National Bank  
 Columbus, Ohio  
 Account No. 0189-2204055  
 ABA: #044 000024

Entity Bank Lockbox Deposit		AMOUNT
65	\$64,509.83	
OMEGA JV5 0189-2204055		\$64,509.82



**AMERICAN MUNICIPAL POWER, INC.**  
 1111 Schrock Rd, Suite 100  
 COLUMBUS, OHIO 43229  
 PHONE: (614) 540-1111  
 FAX: (614) 540-1078

**INVOICE NUMBER:** 174888  
**INVOICE DATE:** 10/1/2012  
**DUE DATE:** 10/15/2012  
**TOTAL AMOUNT DUE:** \$3,531.00  
**CUSTOMER NUMBER:** 5020  
**CUSTOMER P.O. #:**

**City of Napoleon**  
 Gregory J. Heath, Finance Director  
 255 W. Riverview Ave., P.O. Box 151  
 Napoleon, OH 43545-0151

PLEASE WRITE INVOICE NUMBER ON  
 REMITTANCE AND RETURN YELLOW INVOICE  
 COPY. MAKE CHECK PAYABLE TO AMP, INC.

<b>Omega JV6</b>		Do Not Pay Paid by E-Pay American Municipal PWR Inc Ray Merrill 614-540-0914	
Project Capacity:	300 kW		
Year	2012		
<u>Demand Charge</u>	300 Kw * 11.77 per kW-Month		<u>Total</u>
AMOUNT DUE FOR :	October, 2012 -	Principal Interest	\$3,497.66 \$33.34
<b>TOTAL CHARGES</b>			<b>\$3,531.00</b>



\* To avoid a delayed payment charge, payment must be made to provide available funds for use by AMP, Inc on or before the due date.

Wire or ACH Transfer Information :  
 Huntington National Bank  
 Columbus, Ohio  
 Account: 0189-2204055  
 ABA: #044 000024

Mailing Address :  
 AMP, Inc.  
 Dept. L614  
 Columbus, Ohio 43260

	AMOUNT
Bank Lock Box Deposit	
14	\$3,531.00
General Fund 0189-2204055	\$3,531.00
<b>TOTAL DEPOSIT</b>	<b>\$3,531.00</b>



**AMERICAN MUNICIPAL POWER, INC.**  
 1111 Schrock Rd, Suite 100  
 COLUMBUS, OHIO 43229  
 PHONE: (614) 540-1111  
 FAX: (614) 540-1078

**INVOICE NUMBER:** 174898  
**INVOICE DATE:** 10/1/2012  
**DUE DATE:** 10/15/2012  
**TOTAL AMOUNT DUE:** \$1,358.21  
**CUSTOMER NUMBER:** 5020  
**CUSTOMER P.O. #:**

**City of Napoleon**  
 Gregory J. Heath, Finance Director  
 255 W. Riverview Ave., P.O. Box 151  
 Napoleon, OH 43545-0151

PLEASE WRITE INVOICE NUMBER ON  
 REMITTANCE AND RETURN YELLOW INVOICE  
 COPY. MAKE CHECK PAYABLE TO AMP, INC.

<b>Omega JV6</b>		Do Not Pay Paid by E-Pay American Municipal PWR Inc Ray Merrill 614-540-0914
Project Capacity:	300 kW	
Year 2012		
Electric Fixed	300 Kw * 4.53 per kW-Month	Total
AMOUNT DUE FOR :	October, 2012 - Electric Fixed	\$1,358.21
<b>TOTAL CHARGES</b>		<b>\$1,358.21</b>

\* To avoid a delayed payment charge, payment must be made to provide available funds for use by AMP, Inc on or before the due date.

Wire or ACH Transfer Information :  
 Huntington National Bank  
 Columbus, Ohio  
 Account: 0189-2204055  
 ABA: #044 000024

Mailing Address :  
 AMP, Inc.  
 Dept. L614  
 Columbus, Ohio 43260

	AMOUNT
Bank Lock Box Deposit	
66	\$1,358.21
General Fund	0189-2204055
	\$1,358.21
<b>TOTAL DEPOSIT</b>	<b>\$1,358.21</b>

# BILLING DETERMINANTS - NOVEMBER, 2012

NOVEMBER, 2012

2012 - NOVEMBER BILLING WITH OCTOBER, 2012, DATA BILLING UNITS

Class and/or Schedule	Rate Code	Oct-12		Oct-12 Billed	Billed kVa of Demand	Cost / kWh For Month	Cost / kWh Prior 12 Mo Average	Nov-11		Nov-11 Billed	Cost / kWh For Month	Dec-11		Dec-11 Billed	Cost / kWh For Month
		# of Bills	(kWh Usage)					# of Bills	(kWh Usage)			# of Bills	(kWh Usage)		
Residential (Dom-In)	E1	3,345	2,734,209	\$260,427.08	0	\$0.0952	\$0.1063	3,324	1,858,102	\$190,860.13	\$0.1027	3,314	1,811,886	\$202,229.15	\$0.1116
Residential (Dom-In - All Electric)	E2	615	457,148	\$43,877.60	0	\$0.0960	\$0.1049	619	358,361	\$36,637.59	\$0.1022	613	411,127	\$46,050.24	\$0.1096
<b>Total Residential (Domestic)</b>		<b>3,960</b>	<b>3,191,357</b>	<b>\$304,304.68</b>	<b>0</b>	<b>\$0.0954</b>	<b>\$0.1061</b>	<b>3,943</b>	<b>2,216,463</b>	<b>\$227,497.72</b>	<b>\$0.1026</b>	<b>3,927</b>	<b>2,223,013</b>	<b>\$247,279.39</b>	<b>\$0.1112</b>
Residential (Rural-Out)	ER1	739	764,117	\$78,154.40	0	\$0.1023	\$0.1124	743	582,084	\$63,672.91	\$0.1094	741	615,491	\$72,247.26	\$0.1174
Residential (Rural-Out - All Electric)	ER2	391	425,422	\$43,300.05	0	\$0.1018	\$0.1109	394	354,014	\$38,146.62	\$0.1078	397	405,352	\$46,668.17	\$0.1151
Residential (Rural-Out w/Dmd)	ER3	15	14,186	\$1,462.41	81	\$0.1031	\$0.1085	15	11,648	\$1,274.62	\$0.1094	15	37,355	\$4,094.77	\$0.1091
Residential (Rural-Out - All Electric w/Dmd)	ER4	10	12,246	\$1,233.89	86	\$0.1008	\$0.1099	10	9,978	\$1,063.88	\$0.1068	10	25,653	\$2,795.57	\$0.1090
<b>Total Residential (Rural)</b>		<b>1,155</b>	<b>1,215,971</b>	<b>\$124,150.75</b>	<b>167</b>	<b>\$0.1021</b>	<b>\$0.1117</b>	<b>1,162</b>	<b>957,724</b>	<b>\$104,158.03</b>	<b>\$0.1088</b>	<b>1,163</b>	<b>1,084,031</b>	<b>\$125,806.77</b>	<b>\$0.1161</b>
Commercial (1 Ph-In - No Dmd)	EC2	74	40,749	\$4,964.05	0	\$0.1218	\$0.1357	70	35,634	\$4,564.59	\$0.1281	70	34,331	\$4,843.45	\$0.1411
Commercial (1 Ph-Out - No Dmd)	EC2O	40	11,306	\$1,612.70	0	\$0.1426	\$0.1481	40	11,979	\$1,733.61	\$0.1447	40	14,986	\$2,228.55	\$0.1487
<b>Total Commercial (1 Ph) No Dmd</b>		<b>114</b>	<b>52,055</b>	<b>\$6,576.75</b>	<b>0</b>	<b>\$0.1263</b>	<b>\$0.1390</b>	<b>110</b>	<b>47,613</b>	<b>\$6,298.20</b>	<b>\$0.1323</b>	<b>110</b>	<b>49,317</b>	<b>\$7,072.00</b>	<b>\$0.1434</b>
Commercial (1 Ph-In - w/Demand)	EC1	265	408,645	\$46,613.93	2177	\$0.1141	\$0.1287	265	325,762	\$40,905.55	\$0.1256	265	300,503	\$40,946.42	\$0.1363
Commercial (1 Ph-Out - w/Demand)	EC1O	26	34,073	\$3,988.01	193	\$0.1170	\$0.1277	26	35,550	\$4,417.80	\$0.1243	26	33,447	\$4,518.24	\$0.1351
<b>Total Commercial (1 Ph) w/Demand</b>		<b>291</b>	<b>442,718</b>	<b>\$50,601.94</b>	<b>2,370</b>	<b>\$0.1143</b>	<b>\$0.1286</b>	<b>291</b>	<b>361,312</b>	<b>\$45,323.35</b>	<b>\$0.1254</b>	<b>291</b>	<b>333,950</b>	<b>\$45,464.66</b>	<b>\$0.1361</b>
Commercial (3 Ph-In - No Dmd)	EC4	0	0	\$0.00	0	\$0.0000	\$0.3328	1	97	\$28.15	\$0.2902	1	69	\$26.05	\$0.3775
Commercial (3 Ph-Out - No Dmd)	EC4O	2	0	\$36.00	0	\$0.0000	\$0.1331	1	3	\$12.31	\$4.1033	2	0	\$36.00	\$0.0000
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>0</b>	<b>\$0.0000</b>	<b>\$0.1369</b>	<b>2</b>	<b>100</b>	<b>\$40.46</b>	<b>\$0.4046</b>	<b>3</b>	<b>69</b>	<b>\$62.05</b>	<b>\$0.8993</b>
Commercial (3 Ph-In - w/Demand)	EC3	199	1,944,847	\$192,197.43	6814	\$0.0988	\$0.1119	202	1,634,874	\$171,334.46	\$0.1048	202	1,428,995	\$168,693.12	\$0.1181
Commercial (3 Ph-Out - w/Demand)	EC3O	33	246,609	\$25,302.69	1026	\$0.1026	\$0.1153	32	230,622	\$24,895.02	\$0.1079	32	332,962	\$38,588.23	\$0.1159
Commercial (3 Ph-Out - w/Dmd & Sub-St)	E3SO	2	128,440	\$11,814.46	408	\$0.0920	\$0.1033	2	161,800	\$15,220.82	\$0.0941	2	278,040	\$27,983.03	\$0.1006
Commercial (3 Ph-In - w/Demand, No Tax)	EC3T	1	5,440	\$522.80	18	\$0.0961	\$0.1106	1	3,160	\$328.60	\$0.1040	1	1,760	\$209.09	\$0.1188
<b>Total Commercial (3 Ph) w/Demand</b>		<b>235</b>	<b>2,325,336</b>	<b>\$229,837.38</b>	<b>8,266</b>	<b>\$0.0988</b>	<b>\$0.1118</b>	<b>237</b>	<b>2,030,456</b>	<b>\$211,778.90</b>	<b>\$0.1043</b>	<b>237</b>	<b>2,041,757</b>	<b>\$235,473.47</b>	<b>\$0.1153</b>
Large Power (In - w/Dmd & Rct)	EL1	26	3,858,546	\$305,788.43	7936	\$0.0792	\$0.0892	26	3,642,625	\$295,479.08	\$0.0811	26	3,491,431	\$321,207.17	\$0.0920
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	2	67,080	\$8,021.35	351	\$0.1196	\$0.1486	1	8,640	\$2,412.98	\$0.2793	1	7,680	\$2,068.18	\$0.2693
Large Power (Out - w/Dmd & Rct)	EL1O	1	84,950	\$8,129.96	259	\$0.0857	\$0.1107	1	61,200	\$6,720.84	\$0.1098	1	66,060	\$7,920.57	\$0.1199
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	2	395,760	\$33,918.49	1025	\$0.0857	\$0.0960	2	428,880	\$36,545.79	\$0.0852	2	408,240	\$40,009.93	\$0.0980
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	72,978	\$11,884.43	576	\$0.1628	\$0.1364	2	72,788	\$11,979.67	\$0.1646	2	91,064	\$8,112.52	\$0.0891
<b>Total Large Power</b>		<b>33</b>	<b>4,479,324</b>	<b>\$367,742.66</b>	<b>10,147</b>	<b>\$0.0821</b>	<b>\$0.0915</b>	<b>32</b>	<b>4,214,133</b>	<b>\$353,138.36</b>	<b>\$0.0838</b>	<b>32</b>	<b>4,064,475</b>	<b>\$379,318.37</b>	<b>\$0.0933</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	E11	1	1,147,180	\$80,891.19	2179	\$0.0705	\$0.0782	1	1,164,062	\$82,090.69	\$0.0705	1	1,297,822	\$104,063.63	\$0.0802
Industrial (In - w/Dmd & Rct, No/SbCr)	E12	1	722,186	\$56,299.68	1847	\$0.0780	\$0.0854	1	420,437	\$38,265.25	\$0.0910	1	622,437	\$55,800.66	\$0.0896
<b>Total Industrial</b>		<b>2</b>	<b>1,869,366</b>	<b>\$137,190.87</b>	<b>4,026</b>	<b>\$0.0734</b>	<b>\$0.0810</b>	<b>2</b>	<b>1,584,499</b>	<b>\$120,355.94</b>	<b>\$0.0760</b>	<b>2</b>	<b>1,920,259</b>	<b>\$159,864.29</b>	<b>\$0.0833</b>
Interdepartmental (In - No Dmd)	ED1	49	85,346	\$7,372.78	21	\$0.0864	\$0.0963	47	83,489	\$7,486.55	\$0.0897	47	100,941	\$9,933.60	\$0.0984
Interdepartmental (Out - No Dmd)	ED1O	1	0	\$0.00	0	\$0.0000	\$0.0987	1	1	\$0.09	\$0.0900	1	0	\$0.00	\$0.0000
Interdepartmental (In - w/Dmd)	ED2	20	255,936	\$21,542.71	837	\$0.0842	\$0.0941	20	210,115	\$18,418.02	\$0.0877	20	244,968	\$23,555.93	\$0.0962
Generators (JV2 Power Cost Only)	GJV2	2	20,758	\$445.05	45	\$0.0214	\$0.0000	1	16,398	\$1,005.53	\$0.0613	1	19,623	\$1,158.54	\$0.0590
Generators (JV5 Power Cost Only)	GJV5	1	12,583	\$269.78	23	\$0.0214	\$0.0000	1	11,638	\$713.64	\$0.0613	1	13,497	\$796.86	\$0.0590
<b>Total Interdepartmental</b>		<b>73</b>	<b>374,623</b>	<b>\$29,630.32</b>	<b>926</b>	<b>\$0.0791</b>	<b>\$0.0897</b>	<b>70</b>	<b>321,641</b>	<b>\$27,623.83</b>	<b>\$0.0859</b>	<b>70</b>	<b>379,029</b>	<b>\$35,444.93</b>	<b>\$0.0935</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,865</b>	<b>13,950,750</b>	<b>\$1,250,071.35</b>	<b>25,902</b>	<b>\$0.0896</b>	<b>\$0.0994</b>	<b>5,849</b>	<b>11,733,941</b>	<b>\$1,096,214.79</b>	<b>\$0.0934</b>	<b>5,835</b>	<b>12,095,900</b>	<b>\$1,235,784.93</b>	<b>\$0.1022</b>
Street Lights (In)	SLO	16	0	\$14.20	0	\$0.0000	\$0.0000	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000
Street Lights (Out)	SLOO	2	0	\$0.77	0	\$0.0000	\$0.0000	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000
<b>Total Street Light Only</b>		<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>0</b>	<b>\$0.0000</b>	<b>\$0.0000</b>	<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>\$0.0000</b>	<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,883</b>	<b>13,950,750</b>	<b>\$1,250,086.32</b>	<b>25,902</b>	<b>\$0.0896</b>	<b>\$0.0994</b>	<b>5,867</b>	<b>11,733,941</b>	<b>\$1,096,229.76</b>	<b>\$0.0934</b>	<b>5,853</b>	<b>12,095,900</b>	<b>\$1,235,799.90</b>	<b>\$0.1022</b>

**BILLING DETERMINANTS -**

NOVEMBER, 2012  
2012 - NOVEMBER BILLING WITH OCTOBER, 20

Class and/or Schedule	Rate Code	Jan-12				Feb-12				Mar-12				Apr-12			
		# of Bills	(kWh Usage)	Jan-12 Billed	Cost / kWh For Month	# of Bills	(kWh Usage)	Feb-12 Billed	Cost / kWh For Month	# of Bills	(kWh Usage)	Mar-12 Billed	Cost / kWh For Month	# of Bills	(kWh Usage)	Apr-12 Billed	Cost / kWh For Month
Residential (Dom-In)	E1	3,326	2,062,867	\$232,024.49	\$0.1125	3,335	2,490,478	\$277,601.88	\$0.1115	3,351	2,281,837	\$241,446.06	\$0.1058	3,348	2,003,331	\$191,012.70	\$0.0953
Residential (Dom-In - All Electric)	E2	613	563,201	\$61,579.48	\$0.1093	617	758,073	\$82,087.37	\$0.1083	621	764,061	\$77,799.02	\$0.1018	623	2,003,131	\$56,718.75	\$0.0913
<b>Total Residential (Domestic)</b>		<b>3,939</b>	<b>2,626,068</b>	<b>\$293,603.97</b>	<b>\$0.1118</b>	<b>3,952</b>	<b>3,248,551</b>	<b>\$359,689.25</b>	<b>\$0.1107</b>	<b>3,972</b>	<b>3,045,898</b>	<b>\$319,245.08</b>	<b>\$0.1048</b>	<b>3,971</b>	<b>2,624,462</b>	<b>\$247,731.45</b>	<b>\$0.0944</b>
Residential (Rural-Out)	ER1	734	806,826	\$94,058.78	\$0.1166	735	914,511	\$106,209.30	\$0.1161	737	840,842	\$92,858.56	\$0.1104	735	745,915	\$74,483.85	\$0.0999
Residential (Rural-Out - All Electric)	ER2	392	531,206	\$61,010.62	\$0.1149	392	626,447	\$71,629.98	\$0.1143	393	598,244	\$64,740.47	\$0.1082	392	517,574	\$50,495.00	\$0.0976
Residential (Rural-Out w/Dmd)	ER3	15	177,467	\$19,116.45	\$0.1077	15	80,271	\$8,794.74	\$0.1096	15	26,664	\$2,857.55	\$0.1072	15	29,499	\$2,799.46	\$0.0949
Residential (Rural-Out - All Electric w/Dmd)	ER4	10	32,634	\$3,599.86	\$0.1103	10	16,040	\$1,833.45	\$0.1143	10	13,299	\$1,452.28	\$0.1092	10	12,396	\$1,215.62	\$0.0981
<b>Total Residential (Rural)</b>		<b>1,151</b>	<b>1,548,133</b>	<b>\$177,785.71</b>	<b>\$0.1148</b>	<b>1,152</b>	<b>1,637,269</b>	<b>\$188,467.47</b>	<b>\$0.1151</b>	<b>1,155</b>	<b>1,479,048</b>	<b>\$161,908.86</b>	<b>\$0.1095</b>	<b>1,152</b>	<b>1,305,384</b>	<b>\$128,993.93</b>	<b>\$0.0988</b>
Commercial (1 Ph-In - No Dmd)	EC2	70	37,506	\$5,289.65	\$0.1410	70	40,452	\$5,674.73	\$0.1403	70	38,793	\$5,092.91	\$0.1313	71	34,969	\$4,111.09	\$0.1176
Commercial (1 Ph-Out - No Dmd)	EC2O	40	21,730	\$3,057.58	\$0.1407	41	21,033	\$3,005.78	\$0.1429	41	18,831	\$2,557.20	\$0.1358	40	12,582	\$1,654.29	\$0.1315
<b>Total Commercial (1 Ph) No Dmd</b>		<b>110</b>	<b>59,236</b>	<b>\$8,347.23</b>	<b>\$0.1409</b>	<b>111</b>	<b>61,485</b>	<b>\$8,680.51</b>	<b>\$0.1412</b>	<b>111</b>	<b>57,624</b>	<b>\$7,650.11</b>	<b>\$0.1328</b>	<b>111</b>	<b>47,551</b>	<b>\$5,765.38</b>	<b>\$0.1212</b>
Commercial (1 Ph-In - w/Demand)	EC1	266	310,143	\$42,227.33	\$0.1362	267	356,062	\$47,498.59	\$0.1334	266	361,521	\$44,571.76	\$0.1233	266	332,747	\$36,199.19	\$0.1088
Commercial (1 Ph-Out - w/Demand)	EC1O	26	36,533	\$4,958.86	\$0.1357	26	44,703	\$5,852.45	\$0.1309	26	43,497	\$5,192.11	\$0.1194	26	41,277	\$4,346.79	\$0.1053
<b>Total Commercial (1 Ph) w/Demand</b>		<b>292</b>	<b>346,676</b>	<b>\$47,186.19</b>	<b>\$0.1361</b>	<b>293</b>	<b>400,765</b>	<b>\$53,351.04</b>	<b>\$0.1331</b>	<b>292</b>	<b>405,018</b>	<b>\$49,763.87</b>	<b>\$0.1229</b>	<b>292</b>	<b>374,024</b>	<b>\$40,545.98</b>	<b>\$0.1084</b>
Commercial (3 Ph-In - No Dmd)	EC4	1	79	\$27.38	\$0.3466	1	164	\$37.61	\$0.2293	1	34	\$21.74	\$0.6394	1	48	\$22.48	\$0.4683
Commercial (3 Ph-Out - No Dmd)	EC4O	2	7,800	\$959.60	\$0.1230	2	12,440	\$1,519.21	\$0.1221	2	4,240	\$500.87	\$0.1181	2	320	\$65.85	\$0.2058
<b>Total Commercial (3 Ph) No Dmd</b>		<b>3</b>	<b>7,879</b>	<b>\$986.98</b>	<b>\$0.1253</b>	<b>3</b>	<b>12,604</b>	<b>\$1,556.82</b>	<b>\$0.1235</b>	<b>3</b>	<b>4,274</b>	<b>\$522.61</b>	<b>\$0.1223</b>	<b>3</b>	<b>368</b>	<b>\$88.33</b>	<b>\$0.2400</b>
Commercial (3 Ph-In - w/Demand)	EC3	202	1,386,365	\$164,750.44	\$0.1188	201	1,395,262	\$166,228.37	\$0.1191	199	1,448,848	\$157,462.71	\$0.1087	199	1,420,041	\$132,055.62	\$0.0930
Commercial (3 Ph-Out - w/Demand)	EC3O	32	353,047	\$40,927.13	\$0.1159	33	260,577	\$32,322.72	\$0.1240	33	255,923	\$28,815.88	\$0.1126	33	218,197	\$20,805.52	\$0.0954
Commercial (3 Ph-Out - w/Dmd & Sub-St)	E3SO	1	74,600	\$8,183.11	\$0.1097	2	146,560	\$16,053.79	\$0.1095	2	139,440	\$14,030.63	\$0.1006	2	122,840	\$10,608.74	\$0.0854
Commercial (3 Ph-In - w/Demand, No Tax)	EC3T	1	1,840	\$219.43	\$0.1193	1	2,080	\$246.67	\$0.1186	1	2,080	\$227.76	\$0.1095	1	2,160	\$197.97	\$0.0917
<b>Total Commercial (3 Ph) w/Demand</b>		<b>236</b>	<b>1,815,852</b>	<b>\$214,080.11</b>	<b>\$0.1179</b>	<b>237</b>	<b>1,804,479</b>	<b>\$214,851.55</b>	<b>\$0.1191</b>	<b>235</b>	<b>1,846,291</b>	<b>\$200,536.98</b>	<b>\$0.1086</b>	<b>235</b>	<b>1,763,238</b>	<b>\$163,667.85</b>	<b>\$0.0928</b>
Large Power (In - w/Dmd & Rct)	EL1	25	3,289,759	\$308,845.24	\$0.0939	26	3,259,269	\$316,668.92	\$0.0972	26	3,554,713	\$320,374.74	\$0.0901	26	3,199,396	\$256,360.63	\$0.0801
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	1	7,680	\$2,078.25	\$0.2706	1	0	\$1,613.82	\$0.0000	1	27,840	\$3,982.24	\$0.1430	1	12,960	\$2,904.46	\$0.2241
Large Power (Out - w/Dmd & Rct)	EL1O	1	70,740	\$8,167.50	\$0.1155	1	74,340	\$8,458.31	\$0.1136	1	73,080	\$7,724.30	\$0.1057	1	64,260	\$6,412.76	\$0.0998
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	2	388,800	\$39,071.25	\$0.1005	2	341,280	\$36,953.60	\$0.1083	2	412,560	\$38,116.77	\$0.0924	2	363,600	\$31,333.90	\$0.0862
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	95,409	\$8,448.03	\$0.0885	2	83,725	\$7,634.29	\$0.0912	2	70,654	\$7,668.05	\$0.1085	2	38,400	\$3,290.04	\$0.0857
<b>Total Large Power</b>		<b>31</b>	<b>3,852,388</b>	<b>\$366,610.27</b>	<b>\$0.0952</b>	<b>32</b>	<b>3,758,614</b>	<b>\$371,328.94</b>	<b>\$0.0988</b>	<b>32</b>	<b>4,138,847</b>	<b>\$377,866.10</b>	<b>\$0.0913</b>	<b>32</b>	<b>3,678,616</b>	<b>\$300,301.79</b>	<b>\$0.0816</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	EI1	1	1,152,314	\$96,597.92	\$0.0838	1	1,055,055	\$92,132.30	\$0.0873	1	1,314,886	\$101,841.39	\$0.0775	1	1,213,635	\$84,749.93	\$0.0698
Industrial (In - w/Dmd & Rct, No/SbCr)	EI2	1	537,619	\$51,638.17	\$0.0960	1	598,496	\$57,790.48	\$0.0966	1	923,159	\$74,219.32	\$0.0804	1	839,632	\$60,954.68	\$0.0726
<b>Total Industrial</b>		<b>2</b>	<b>1,689,933</b>	<b>\$148,236.09</b>	<b>\$0.0877</b>	<b>2</b>	<b>1,653,551</b>	<b>\$149,922.78</b>	<b>\$0.0907</b>	<b>2</b>	<b>2,238,045</b>	<b>\$176,060.71</b>	<b>\$0.0787</b>	<b>2</b>	<b>2,053,267</b>	<b>\$145,704.61</b>	<b>\$0.0710</b>
Interdepartmental (In - No Dmd)	ED1	52	138,269	\$13,957.14	\$0.1009	52	149,443	\$15,180.01	\$0.1016	49	153,820	\$14,623.93	\$0.0951	49	129,323	\$10,802.95	\$0.0835
Interdepartmental (Out - No Dmd)	ED1O	1	0	\$0.00	\$0.0000	1	0	\$0.00	\$0.0000	1	0	\$0.00	\$0.0000	1	0	\$0.00	\$0.0000
Interdepartmental (In - w/Dmd)	ED2	20	332,590	\$32,670.25	\$0.0982	20	344,857	\$34,188.55	\$0.0991	20	384,916	\$35,720.65	\$0.0928	20	312,502	\$25,411.38	\$0.0813
Generators (JV2 Power Cost Only)	GJV2	1	22,055	\$1,348.22	\$0.0611	1	24,574	\$1,416.94	\$0.0577	1	25,102	\$1,181.80	\$0.0471	1	20,145	\$512.72	\$0.0255
Generators (JV5 Power Cost Only)	GJV5	1	16,539	\$1,011.03	\$0.0611	1	19,402	\$1,118.72	\$0.0577	1	17,745	\$835.43	\$0.0471	1	14,419	\$366.95	\$0.0254
<b>Total Interdepartmental</b>		<b>75</b>	<b>509,453</b>	<b>\$48,986.64</b>	<b>\$0.0962</b>	<b>75</b>	<b>538,276</b>	<b>\$51,904.22</b>	<b>\$0.0964</b>	<b>72</b>	<b>581,583</b>	<b>\$52,361.81</b>	<b>\$0.0900</b>	<b>72</b>	<b>476,390</b>	<b>\$37,094.01</b>	<b>\$0.0779</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,839</b>	<b>12,455,618</b>	<b>\$1,305,823.19</b>	<b>\$0.1048</b>	<b>5,857</b>	<b>13,115,594</b>	<b>\$1,399,752.58</b>	<b>\$0.1067</b>	<b>5,874</b>	<b>13,796,628</b>	<b>\$1,345,916.13</b>	<b>\$0.0976</b>	<b>5,870</b>	<b>12,323,300</b>	<b>\$1,069,893.33</b>	<b>\$0.0868</b>
Street Lights (In)	SLO	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000
Street Lights (Out)	SLOO	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000
<b>Total Street Light Only</b>		<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>\$0.0000</b>												
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,857</b>	<b>12,455,618</b>	<b>\$1,305,838.16</b>	<b>\$0.1048</b>	<b>5,875</b>	<b>13,115,594</b>	<b>\$1,399,767.55</b>	<b>\$0.1067</b>	<b>5,892</b>	<b>13,796,628</b>	<b>\$1,345,931.10</b>	<b>\$0.0976</b>	<b>5,888</b>	<b>12,323,300</b>	<b>\$1,069,908.30</b>	<b>\$0.0868</b>

**BILLING DETERMINANTS -**

NOVEMBER, 2012  
2012 - NOVEMBER BILLING WITH OCTOBER, 20

Class and/or Schedule	Rate Code	May-12			Cost / kWh For Month	Jun-12			Cost / kWh For Month	Jul-12			Cost / kWh For Month	Aug-12			
		# of Bills	May-12 (kWh Usage)	May-12 Billed		# of Bills	Jun-12 (kWh Usage)	Jun-12 Billed		# of Bills	Jul-12 (kWh Usage)	Jul-12 Billed		# of Bills	Aug-12 (kWh Usage)	Aug-12 Billed	Cost / kWh For Month
Residential (Dom-In)	E1	3,331	1,838,146	\$204,944.68	\$0.1115	3,345	1,761,017	\$199,341.38	\$0.1132	3,337	2,283,884	\$269,307.62	\$0.1179	3,339	3,411,297	\$366,730.13	\$0.1075
Residential (Dom-In - All Electric)	E2	617	431,078	\$47,091.46	\$0.1092	621	381,243	\$42,541.29	\$0.1116	616	415,828	\$49,083.48	\$0.1180	615	545,552	\$59,137.58	\$0.1084
<b>Total Residential (Domestic)</b>		<b>3,948</b>	<b>2,269,224</b>	<b>\$252,036.14</b>	<b>\$0.1111</b>	<b>3,966</b>	<b>2,142,260</b>	<b>\$241,882.67</b>	<b>\$0.1129</b>	<b>3,953</b>	<b>2,699,712</b>	<b>\$318,391.10</b>	<b>\$0.1179</b>	<b>3,954</b>	<b>3,956,849</b>	<b>\$425,867.71</b>	<b>\$0.1076</b>
Residential (Rural-Out)	ER1	734	598,235	\$70,345.44	\$0.1176	737	574,482	\$68,564.68	\$0.1194	738	706,242	\$87,788.31	\$0.1243	741	970,184	\$110,563.50	\$0.1140
Residential (Rural-Out - All Electric)	ER2	393	397,718	\$45,820.54	\$0.1152	391	373,115	\$43,654.50	\$0.1170	391	411,039	\$50,709.34	\$0.1234	390	542,835	\$61,617.72	\$0.1135
Residential (Rural-Out w/Dmd)	ER3	15	17,731	\$2,015.38	\$0.1137	15	15,768	\$1,827.48	\$0.1159	15	13,811	\$1,721.42	\$0.1246	15	12,915	\$1,522.70	\$0.1179
Residential (Rural-Out - All Electric w/Dmd)	ER4	10	10,370	\$1,192.02	\$0.1149	10	9,873	\$1,151.51	\$0.1165	10	11,181	\$1,372.86	\$0.1228	10	13,301	\$1,513.58	\$0.1138
<b>Total Residential (Rural)</b>		<b>1,152</b>	<b>1,024,054</b>	<b>\$119,373.38</b>	<b>\$0.1166</b>	<b>1,153</b>	<b>973,238</b>	<b>\$115,198.17</b>	<b>\$0.1184</b>	<b>1,154</b>	<b>1,142,273</b>	<b>\$141,591.93</b>	<b>\$0.1240</b>	<b>1,156</b>	<b>1,539,235</b>	<b>\$175,217.50</b>	<b>\$0.1138</b>
Commercial (1 Ph-In - No Dmd)	EC2	72	35,777	\$5,062.48	\$0.1415	73	34,381	\$4,920.85	\$0.1431	73	39,292	\$6,041.82	\$0.1538	74	38,268	\$5,338.61	\$0.1395
Commercial (1 Ph-Out - No Dmd)	EC2O	40	10,544	\$1,719.13	\$0.1630	40	10,203	\$1,682.12	\$0.1649	40	10,855	\$1,909.03	\$0.1759	40	10,737	\$1,730.38	\$0.1612
<b>Total Commercial (1 Ph) No Dmd</b>		<b>112</b>	<b>46,321</b>	<b>\$6,781.61</b>	<b>\$0.1464</b>	<b>113</b>	<b>44,584</b>	<b>\$6,602.97</b>	<b>\$0.1481</b>	<b>113</b>	<b>50,147</b>	<b>\$7,950.85</b>	<b>\$0.1586</b>	<b>114</b>	<b>49,005</b>	<b>\$7,068.99</b>	<b>\$0.1443</b>
Commercial (1 Ph-In - w/Demand)	EC1	266	328,241	\$44,738.20	\$0.1363	266	295,715	\$41,187.77	\$0.1393	265	343,510	\$51,544.63	\$0.1501	265	384,111	\$50,773.99	\$0.1322
Commercial (1 Ph-Out - w/Demand)	EC1O	26	35,283	\$4,727.21	\$0.1340	26	31,588	\$4,292.23	\$0.1359	27	33,003	\$5,024.13	\$0.1522	27	39,329	\$5,135.90	\$0.1306
<b>Total Commercial (1 Ph) w/Demand</b>		<b>292</b>	<b>363,524</b>	<b>\$49,465.41</b>	<b>\$0.1361</b>	<b>292</b>	<b>327,303</b>	<b>\$45,480.00</b>	<b>\$0.1390</b>	<b>292</b>	<b>376,513</b>	<b>\$56,568.76</b>	<b>\$0.1502</b>	<b>292</b>	<b>423,440</b>	<b>\$55,909.89</b>	<b>\$0.1320</b>
Commercial (3 Ph-In - No Dmd)	EC4	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000
Commercial (3 Ph-Out - No Dmd)	EC4O	2	480	\$92.36	\$0.1924	2	0	\$36.00	\$0.0000	2	0	\$36.00	\$0.0000	2	0	\$36.00	\$0.0000
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>480</b>	<b>\$92.36</b>	<b>\$0.1924</b>	<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>\$0.0000</b>	<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>\$0.0000</b>	<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>\$0.0000</b>
Commercial (3 Ph-In - w/Demand)	EC3	198	1,385,048	\$162,972.55	\$0.1177	198	1,434,586	\$170,923.90	\$0.1191	200	1,477,726	\$194,743.67	\$0.1318	200	1,712,954	\$197,216.69	\$0.1151
Commercial (3 Ph-Out - w/Demand)	EC3O	33	189,179	\$23,463.18	\$0.1240	33	175,366	\$22,214.31	\$0.1267	33	185,367	\$25,853.95	\$0.1395	33	246,714	\$29,088.11	\$0.1179
Commercial (3 Ph-Out - w/Dmd & Sub-St)	E3SO	2	117,720	\$13,067.39	\$0.1110	2	119,440	\$13,236.40	\$0.1108	2	110,120	\$13,782.20	\$0.1252	2	114,120	\$12,626.93	\$0.1106
Commercial (3 Ph-In - w/Demand, No Tax)	EC3T	1	1,960	\$230.26	\$0.1175	1	1,960	\$234.50	\$0.1196	1	1,680	\$227.88	\$0.1356	1	2,240	\$316.75	\$0.1414
<b>Total Commercial (3 Ph) w/Demand</b>		<b>234</b>	<b>1,693,907</b>	<b>\$199,733.38</b>	<b>\$0.1179</b>	<b>234</b>	<b>1,731,352</b>	<b>\$206,609.11</b>	<b>\$0.1193</b>	<b>236</b>	<b>1,774,893</b>	<b>\$234,607.70</b>	<b>\$0.1322</b>	<b>236</b>	<b>2,076,038</b>	<b>\$239,248.48</b>	<b>\$0.1152</b>
Large Power (In - w/Dmd & Rct)	EL1	26	3,566,453	\$333,792.62	\$0.0936	26	3,497,272	\$334,460.62	\$0.0956	26	3,717,438	\$362,616.41	\$0.0975	26	3,688,122	\$326,784.57	\$0.0886
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	1	12,480	\$3,473.35	\$0.2783	1	31,200	\$4,616.40	\$0.1480	2	57,120	\$7,165.11	\$0.1254	2	46,080	\$5,325.11	\$0.1156
Large Power (Out - w/Dmd & Rct)	EL1O	1	58,320	\$7,529.26	\$0.1291	1	60,660	\$7,796.10	\$0.1285	1	86,400	\$10,683.94	\$0.1237	1	110,520	\$11,325.25	\$0.1025
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	2	397,200	\$40,853.20	\$0.1029	2	391,680	\$41,264.83	\$0.1054	2	443,280	\$45,463.72	\$0.1026	2	389,280	\$37,783.24	\$0.0971
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	16,800	\$2,449.96	\$0.1456	2	76,558	\$14,752.32	\$0.1927	2	71,731	\$11,939.16	\$0.1664	2	71,310	\$14,087.70	\$0.1976
<b>Total Large Power</b>		<b>32</b>	<b>4,051,253</b>	<b>\$388,098.39</b>	<b>\$0.0958</b>	<b>32</b>	<b>4,057,370</b>	<b>\$402,890.27</b>	<b>\$0.0993</b>	<b>33</b>	<b>4,375,969</b>	<b>\$437,868.34</b>	<b>\$0.1001</b>	<b>33</b>	<b>4,305,312</b>	<b>\$395,305.87</b>	<b>\$0.0918</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	E11	1	1,222,199	\$99,931.68	\$0.0818	1	1,152,192	\$96,887.61	\$0.0841	1	1,225,661	\$104,581.63	\$0.0853	1	1,234,535	\$93,694.76	\$0.0759
Industrial (In - w/Dmd & Rct, No/SbCr)	E12	1	986,067	\$83,734.08	\$0.0849	1	876,672	\$79,178.29	\$0.0903	1	900,860	\$81,661.20	\$0.0906	1	790,574	\$67,201.22	\$0.0850
<b>Total Industrial</b>		<b>2</b>	<b>2,208,266</b>	<b>\$183,665.76</b>	<b>\$0.0832</b>	<b>2</b>	<b>2,028,864</b>	<b>\$176,065.90</b>	<b>\$0.0868</b>	<b>2</b>	<b>2,126,521</b>	<b>\$186,242.83</b>	<b>\$0.0876</b>	<b>2</b>	<b>2,025,109</b>	<b>\$160,895.98</b>	<b>\$0.0795</b>
Interdepartmental (In - No Dmd)	ED1	49	101,976	\$10,077.83	\$0.0988	49	92,540	\$9,289.99	\$0.1004	51	84,297	\$9,078.08	\$0.1077	49	86,356	\$8,635.64	\$0.1000
Interdepartmental (Out - No Dmd)	ED1O	1	134	\$13.23	\$0.0987	1	0	\$0.00	\$0.0000	1	0	\$0.00	\$0.0000	1	0	\$0.00	\$0.0000
Interdepartmental (In - w/Dmd)	ED2	20	255,282	\$24,655.57	\$0.0966	20	248,805	\$24,326.91	\$0.0978	20	288,666	\$30,375.79	\$0.1052	20	294,918	\$28,861.53	\$0.0979
Generators (JV2 Power Cost Only)	GJV2	1	99,442	\$2,810.23	\$0.0283	1	16,885	\$680.47	\$0.0403	1	15,010	\$562.57	\$0.0375	1	12,428	\$283.36	\$0.0228
Generators (JV5 Power Cost Only)	GJV5	1	13,721	\$387.76	\$0.0283	1	13,361	\$538.45	\$0.0403	1	10,228	\$383.35	\$0.0375	1	9,101	\$207.50	\$0.0228
<b>Total Interdepartmental</b>		<b>72</b>	<b>470,555</b>	<b>\$37,944.62</b>	<b>\$0.0806</b>	<b>72</b>	<b>371,591</b>	<b>\$34,835.82</b>	<b>\$0.0937</b>	<b>74</b>	<b>398,191</b>	<b>\$40,399.79</b>	<b>\$0.1016</b>	<b>72</b>	<b>402,803</b>	<b>\$37,988.03</b>	<b>\$0.0943</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,846</b>	<b>12,127,584</b>	<b>\$1,237,191.05</b>	<b>\$0.1020</b>	<b>5,866</b>	<b>11,676,562</b>	<b>\$1,229,600.91</b>	<b>\$0.1053</b>	<b>5,859</b>	<b>12,944,219</b>	<b>\$1,423,657.30</b>	<b>\$0.1100</b>	<b>5,861</b>	<b>14,777,791</b>	<b>\$1,497,538.45</b>	<b>\$0.1013</b>
Street Lights (In)	SLO	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000	16	0	\$14.20	\$0.0000
Street Lights (Out)	SLOO	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000	2	0	\$0.77	\$0.0000
<b>Total Street Light Only</b>		<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>\$0.0000</b>												
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,864</b>	<b>12,127,584</b>	<b>\$1,237,206.02</b>	<b>\$0.1020</b>	<b>5,884</b>	<b>11,676,562</b>	<b>\$1,229,615.88</b>	<b>\$0.1053</b>	<b>5,877</b>	<b>12,944,219</b>	<b>\$1,423,672.27</b>	<b>\$0.1100</b>	<b>5,879</b>	<b>14,777,791</b>	<b>\$1,497,553.42</b>	<b>\$0.1013</b>

**BILLING DETERMINANTS -**

NOVEMBER, 2012  
2012 - NOVEMBER BILLING WITH OCTOBER, 20

Class and/or Schedule	Rate Code	Sep-12		Sep-12 Billed	Cost / kWh For Month	Oct-12		Oct-12 Billed	Billed kVa of Demand	Average # of Bills	TOTAL	TOTAL	Avg. Cost Per kWh For Period
		# of Bills	(kWh Usage)			PRIOR 12 MO	BILLING PRIOR 12 MO						
Residential (Dom-In)	E1	3,344	3,620,747	\$358,312.27	\$0.0990	3,345	2,734,209	\$260,427.08	0	3,336	28,157,801	\$2,994,237.57	\$0.1063
Residential (Dom-In - All Electric)	E2	619	563,097	\$56,318.53	\$0.1000	615	457,148	\$43,877.60	0	617	6,269,900	\$657,922.39	\$0.1049
<b>Total Residential (Domestic)</b>		<b>3,963</b>	<b>4,183,844</b>	<b>\$414,630.80</b>	<b>\$0.0991</b>	<b>3,960</b>	<b>3,191,357</b>	<b>\$304,304.68</b>	<b>0</b>	<b>3,953</b>	<b>34,427,701</b>	<b>\$3,652,159.96</b>	<b>\$0.1061</b>
Residential (Rural-Out)	ER1	742	937,481	\$99,400.69	\$0.1060	739	764,117	\$78,154.40	0	738	9,056,410	\$1,018,347.68	\$0.1124
Residential (Rural-Out - All Electric)	ER2	392	530,605	\$55,985.23	\$0.1055	391	425,422	\$43,300.05	0	392	5,713,571	\$633,778.24	\$0.1109
Residential (Rural-Out w/Dmd)	ER3	15	15,755	\$1,694.49	\$0.1076	15	14,186	\$1,462.41	81	15	453,250	\$49,181.47	\$0.1085
Residential (Rural-Out - All Electric w/Dmd)	ER4	10	15,314	\$1,601.77	\$0.1046	10	12,246	\$1,233.89	86	10	182,284	\$20,026.29	\$0.1099
<b>Total Residential (Rural)</b>		<b>1,159</b>	<b>1,499,155</b>	<b>\$158,682.18</b>	<b>\$0.1058</b>	<b>1,155</b>	<b>1,215,971</b>	<b>\$124,150.75</b>	<b>167</b>	<b>1,155</b>	<b>16,405,515</b>	<b>\$1,721,333.68</b>	<b>\$0.1117</b>
Commercial (1 Ph-In - No Dmd)	EC2	76	41,162	\$5,325.38	\$0.1294	74	40,749	\$4,964.05	0	71	451,314	\$61,229.61	\$0.1357
Commercial (1 Ph-Out - No Dmd)	EC2O	40	11,042	\$1,665.61	\$0.1508	40	11,306	\$1,612.70	0	40	165,828	\$24,555.98	\$0.1481
<b>Total Commercial (1 Ph) No Dmd</b>		<b>116</b>	<b>52,204</b>	<b>\$6,990.99</b>	<b>\$0.1339</b>	<b>114</b>	<b>52,055</b>	<b>\$6,576.75</b>	<b>0</b>	<b>111</b>	<b>617,142</b>	<b>\$85,785.59</b>	<b>\$0.1390</b>
Commercial (1 Ph-In - w/Demand)	EC1	267	475,727	\$56,333.24	\$0.1184	265	408,645	\$46,613.93	2177	265	4,222,687	\$543,540.60	\$0.1287
Commercial (1 Ph-Out - w/Demand)	EC1O	26	38,978	\$4,664.29	\$0.1197	26	34,073	\$3,988.01	193	26	447,261	\$57,118.02	\$0.1277
<b>Total Commercial (1 Ph) w/Demand</b>		<b>293</b>	<b>514,705</b>	<b>\$60,997.53</b>	<b>\$0.1185</b>	<b>291</b>	<b>442,718</b>	<b>\$50,601.94</b>	<b>2,370</b>	<b>291</b>	<b>4,669,948</b>	<b>\$600,658.62</b>	<b>\$0.1286</b>
Commercial (3 Ph-In - No Dmd)	EC4	0	0	\$0.00	\$0.0000	0	0	\$0.00	0	0	491	\$163.41	\$0.3328
Commercial (3 Ph-Out - No Dmd)	EC4O	2	0	\$36.00	\$0.0000	2	0	\$36.00	0	1	25,283	\$3,366.20	\$0.1331
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>\$0.0000</b>	<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>0</b>	<b>1</b>	<b>25,774</b>	<b>\$3,529.61</b>	<b>\$0.1369</b>
Commercial (3 Ph-In - w/Demand)	EC3	201	1,887,290	\$198,665.03	\$0.1053	199	1,944,847	\$192,197.43	6814	200	18,556,846	\$2,077,243.99	\$0.1119
Commercial (3 Ph-Out - w/Demand)	EC3O	33	255,153	\$27,952.89	\$0.1096	33	246,609	\$25,302.69	1026	32	2,949,716	\$340,229.63	\$0.1153
Commercial (3 Ph-Out - w/Dmd & Sub-St)	E3SO	2	118,160	\$11,863.58	\$0.1004	2	128,440	\$11,814.46	408	1	1,631,280	\$168,471.08	\$0.1033
Commercial (3 Ph-In - w/Demand, No Ta)	EC3T	1	5,800	\$595.53	\$0.1027	1	5,440	\$522.80	18	1	32,160	\$3,557.24	\$0.1106
<b>Total Commercial (3 Ph) w/Demand</b>		<b>237</b>	<b>2,266,403</b>	<b>\$239,077.03</b>	<b>\$0.1055</b>	<b>235</b>	<b>2,325,336</b>	<b>\$229,837.38</b>	<b>8,266</b>	<b>234</b>	<b>23,170,002</b>	<b>\$2,589,501.94</b>	<b>\$0.1118</b>
Large Power (In - w/Dmd & Rct)	EL1	26	3,773,782	\$313,758.19	\$0.0831	26	3,858,546	\$305,788.43	7936	25	42,538,806	\$3,796,136.62	\$0.0892
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	2	52,440	\$5,548.11	\$0.1058	2	67,080	\$8,021.35	351	1	331,200	\$49,209.36	\$0.1486
Large Power (Out - w/Dmd & Rct)	EL1O	1	105,660	\$10,558.18	\$0.0999	1	84,960	\$8,129.96	259	1	916,200	\$101,426.97	\$0.1107
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	2	439,440	\$39,608.16	\$0.0901	2	395,760	\$33,918.49	1025	2	4,800,000	\$460,922.88	\$0.0960
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	74,741	\$11,826.64	\$0.1582	2	72,978	\$11,884.43	576	2	636,158	\$114,072.81	\$0.1364
<b>Total Large Power</b>		<b>33</b>	<b>4,446,063</b>	<b>\$381,299.28</b>	<b>\$0.0858</b>	<b>33</b>	<b>4,479,324</b>	<b>\$367,742.66</b>	<b>10,147</b>	<b>31</b>	<b>49,422,364</b>	<b>\$4,521,768.64</b>	<b>\$0.0915</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	EI1	1	1,192,679	\$86,391.37	\$0.0724	1	1,147,180	\$80,891.19	2179	1	14,372,220	\$1,123,854.10	\$0.0782
Industrial (In - w/Dmd & Rct, No/SbCr)	EI2	1	799,665	\$60,062.45	\$0.0791	1	722,186	\$56,299.68	1847	1	8,977,804	\$766,805.48	\$0.0854
<b>Total Industrial</b>		<b>2</b>	<b>1,992,344</b>	<b>\$146,453.82</b>	<b>\$0.0750</b>	<b>2</b>	<b>1,869,366</b>	<b>\$137,190.87</b>	<b>4,026</b>	<b>2</b>	<b>23,350,024</b>	<b>\$1,890,659.58</b>	<b>\$0.0810</b>
Interdepartmental (In - No Dmd)	ED1	49	85,438	\$7,866.84	\$0.0921	49	85,346	\$7,372.78	21	49	1,291,238	\$124,305.34	\$0.0963
Interdepartmental (Out - No Dmd)	ED1O	1	0	\$0.00	\$0.0000	1	0	\$0.00	0	1	135	\$13.32	\$0.0987
Interdepartmental (In - w/Dmd)	ED2	20	287,407	\$25,788.31	\$0.0897	20	255,936	\$21,542.71	837	20	3,460,952	\$325,515.60	\$0.0941
Generators (JV2 Power Cost Only)	GJV2	1	15,054	\$459.90	\$0.0306	2	20,758	\$445.05	45	1	307,475	\$11,865.33	\$0.0386
Generators (JV5 Power Cost Only)	GJV5	1	10,163	\$310.48	\$0.0306	1	12,583	\$269.78	23	1	162,397	\$6,939.96	\$0.0427
<b>Total Interdepartmental</b>		<b>72</b>	<b>398,062</b>	<b>\$34,425.53</b>	<b>\$0.0865</b>	<b>73</b>	<b>374,623</b>	<b>\$29,630.32</b>	<b>926</b>	<b>72</b>	<b>5,222,197</b>	<b>\$468,639.56</b>	<b>\$0.0897</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,877</b>	<b>15,312,780</b>	<b>\$1,442,693.16</b>	<b>\$0.0942</b>	<b>5,865</b>	<b>13,950,750</b>	<b>\$1,250,071.35</b>	<b>25,902</b>	<b>5,850</b>	<b>156,310,667</b>	<b>\$15,534,037.17</b>	<b>\$0.0994</b>
Street Lights (In)	SLO	16	0	\$14.20	\$0.0000	16	0	\$14.20	0	16	0	\$170.40	\$0.0000
Street Lights (Out)	SLOO	2	0	\$0.77	\$0.0000	2	0	\$0.77	0	2	0	\$9.24	\$0.0000
<b>Total Street Light Only</b>		<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>\$0.0000</b>	<b>18</b>	<b>0</b>	<b>\$14.97</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>\$179.64</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,895</b>	<b>15,312,780</b>	<b>\$1,442,608.13</b>	<b>\$0.0942</b>	<b>5,883</b>	<b>13,950,750</b>	<b>\$1,250,086.32</b>	<b>25,902</b>	<b>5,868</b>	<b>156,310,667</b>	<b>\$15,534,216.81</b>	<b>\$0.0994</b>

## Fw[2]: HB601 Resolutions

From: "Gregory J Heath" <gheath@napoleonohio.com> 11/12/12 09:37 AM  
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>  
Attachments: RESOLUTION opposing HB 601(2).docx (18.5 kB); RESOLUTION opposing HB 601 SAMPLE B.docx (18.2 kB);

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Rox, Please include in Council Packets.

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-----Original Message-----

From: "Peg Miller" <pmiller@napoleonohio.com>  
To: "Gregory J Heath" <gheath@napoleonohio.com>, "Chris Peddicord" <cpeddicord@napoleonohio.com>  
Date: 11/09/2012 03:40 PM  
Subject: Fw: HB601 Resolutions

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-----Original Message-----

From: "Michelle Jordan" <datataxgroup@gmail.com>  
To: "undisclosed-recipients:"@napoleonohio.com  
Date: 11/09/12 14:37  
Subject: HB601 Resolutions

Dear DATA members:

Please see the e-mail and attachments from Kent Scarrett from the Ohio Municipal League. Please share this e-mail with your administration. It is important for each municipality to determine the potential impacts of this bill, and to consider passing a Resolution in opposition to HB 601.

We are working on an overview of the Bill that you will be able to share with your administration. If you are also preparing notes or an outline, please let me know. Perhaps we can consolidate efforts to provide a good overview that all cities can use when preparing numbers for revenue impacts.

Thank you!

Michelle

----- Forwarded message -----

From: **Kent Scarrett** <[kscarrett@omloho.org](mailto:kscarrett@omloho.org)>  
Date: Fri, Nov 9, 2012 at 1:27 PM  
Subject: HB601 Resolutions  
To: Tina Timberman <[timberman@ci.athens.oh.us](mailto:timberman@ci.athens.oh.us)>, "Gilligan, Teresa" <[Teresa.Gilligan@cincinnati-oh.gov](mailto:Teresa.Gilligan@cincinnati-oh.gov)>, TAX-  
Barb Jobes <[bjobes@newarkohio.net](mailto:bjobes@newarkohio.net)>, "John, Bejoy" <[Bejoy.John@daytonohio.gov](mailto:Bejoy.John@daytonohio.gov)>,  
[bmeaker@ccatax.ci.cleveland.oh.us](mailto:bmeaker@ccatax.ci.cleveland.oh.us), "Frank, Melinda J." <[MJFrank@columbus.gov](mailto:MJFrank@columbus.gov)>, Michelle Jordan  
<[datataxgroup@gmail.com](mailto:datataxgroup@gmail.com)>, "Cross Funk, Martha" <[mfunk@cityofsharonville.com](mailto:mfunk@cityofsharonville.com)>, "McDulin, Michael"  
<[mcdulinm@ci.hamilton.oh.us](mailto:mcdulinm@ci.hamilton.oh.us)>, James Neusser <[munitaxoh@yahoo.com](mailto:munitaxoh@yahoo.com)>, "Kuhn, Angie"  
<[akuhn@cityofsylvania.com](mailto:akuhn@cityofsylvania.com)>, "Robison, Kevin F." <[KFRobison@columbus.gov](mailto:KFRobison@columbus.gov)>, Art Preiksa  
<[APreiksa@cityofgreen.org](mailto:APreiksa@cityofgreen.org)>, Andrew Thomas <[athomas@ci.findlay.oh.us](mailto:athomas@ci.findlay.oh.us)>, Darlene Judd  
<[djudd@mariemont.org](mailto:djudd@mariemont.org)>, Faye Gibson <[FGibson@dublin.oh.us](mailto:FGibson@dublin.oh.us)>, "Chris L. Fast" <[chris.fast@cityhall.lima.oh.us](mailto:chris.fast@cityhall.lima.oh.us)>,  
[clarence.coleman@toledo.oh.gov](mailto:clarence.coleman@toledo.oh.gov), "Gischel, Lora" <[lgischel@ritaohio.com](mailto:lgischel@ritaohio.com)>, Gail Friedenberger

<[gfriedenberger@ci.canfield.oh.us](mailto:gfriedenberger@ci.canfield.oh.us)>, Chris Snyder <[CSnyder@cityofgreen.org](mailto:CSnyder@cityofgreen.org)>, Brenda Browning <[Browning@ci.reynoldsburg.oh.us](mailto:Browning@ci.reynoldsburg.oh.us)>, [StanUmpleby@hotmail.com](mailto:StanUmpleby@hotmail.com)

Good Afternoon All:

Attached are two sample Resolutions we are hoping communities will consider adopting expressing opposition to areas of HB601 that will be detrimental to municipal revenues and operations.

We are sending two samples out so that municipalities can have flexibility in the tone of the Resolution language they choice to go with. Communities are also encouraged to develop their own language to express the position of their community on this crucial issue, if what we have supplied you is not exactly what an individual may want to go with.

Much like the Resolutions on Centralized Collection that galvanized the members of the General Assembly, we are hopeful that your administrations will see the value in continuing to oppose moves by the state to undercut our abilities to generate revenues to sustain services and protect the interests of residents and businesses alike.

We are also asking that our regional tax groups help educate their members to the components in HB601 and encourage them to also ask their councils to adopt Resolution language opposing this dramatic over-reach by some legislators, as reflected in the bill. It is very important that as many communities as possible have access to the sample Resolution language and have the opportunity to adopt Resolutions clearly stating that HB601 is not the solution to uniformity concerns.

If you have any questions or concerns, please feel free to contact me.

Have a great weekend!

Kent

Kent M. Scarrett  
Director of Communications/Lobbyist  
Ohio Municipal League  
[\(800\)561-3597](tel:8005613597) toll free  
[\(614\)221-4349](tel:6142214349) office  
[\(614\)204-0287](tel:6142040287) cell  
[kscarrett@omloho.org](mailto:kscarrett@omloho.org)

Both Kent M. Scarrett and the Ohio Municipal League intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message immediately and notify the Ohio Municipal League at [\(614\)221-4349](tel:6142214349). Thank you.

--

Michelle Jordan  
DATA  
Dayton Area Tax Administrators

Tax Manager, Dayton Branch Office  
Central Collection Agency

RESOLUTION NO. \_\_\_\_\_

STRONGLY OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPA's, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne and Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and

WHEREAS, the purpose of these Interested Parties meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and

WHEREAS, municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and

WHEREAS, the Coalition has drafted and introduced language that is detrimental to the financial stability of municipalities, will drastically reduce revenue for all municipalities in Ohio, and includes "unfunded mandates" which will cripple the ability for municipalities to provide basic services to residents and resident businesses alike; and

WHEREAS, the recent reduction in the Local Government Fund has resulted in a loss of \$ \_\_\_\_\_ in revenue for (insert municipality here); and

WHEREAS, the elimination of the Estate Tax will result in a loss of \$ \_\_\_\_\_ in revenue for (insert municipality here); and

WHEREAS, the accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property Tax has resulted in a loss of \$ \_\_\_\_\_ in revenue for (insert municipality here); and

WHEREAS, the proposals in HB 601 will result in an additional estimated loss of revenue of \$ \_\_\_\_\_ for (insert municipality here); and

WHEREAS, HB 601 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that dramatically hamper the ability to administer the tax in an effective manner; and

WHEREAS, the long term purpose of HB 601 is State oversight of municipal income tax operations, which could lead to a future push for forced State Centralized Collection of municipal income tax; and

WHEREAS, municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and

WHEREAS, only municipalities can ensure the prompt and proper auditing of local tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in HB 601 created with the only purpose of restricting municipalities from correcting / auditing returns or making assessments; and

WHEREAS, provisions in this bill hamper every municipality's ability to audit and correct municipal income tax returns, to equitably enforce the municipal income tax laws, creates increased cost of administration due to burdensome notification requirements, reduces revenue due to "unfunded mandates" and elimination of compliance processes, and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

WHEREAS, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.

NOW, THEREFORE, BE IT RESOLVED by the (Council, Commission) of the (insert municipality name here), Ohio that:

Section 1. This Council does hereby declare its strong opposition to any effort by the Ohio General Assembly to pass legislation that creates "unfunded mandates" and a loss of revenue for municipalities.

Section 2. This Council urges its state legislators to reject HB 601, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio.

Section 3. The Ohio General Assembly should request the drafting of legislation that would address the multitude of issues that were agreed upon as a result of the Interested Parties meetings, which will bring uniformity to areas including (but not limited to) due dates for estimated tax payments, due dates of withholding payments, due dates and procedures for extension request filings, due dates for annual Reconciliation of Returns, all of which will simplify the compliance process for businesses and individuals alike.

Section 4. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities and businesses as a simple, generic, one-stop method of filing local business income tax returns in one location.

Section 5. Members of the Ohio House and Senate should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

Section 6. 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 by Council on the \_\_\_\_ day of \_\_\_\_\_ 2012;  
\_\_\_\_ Yea; \_\_\_\_ Nay.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

RESOLUTION NO. \_\_\_\_\_

STRONGLY OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPA's, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne and Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and

WHEREAS, the purpose of these Interested Parties meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and

WHEREAS, municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and

WHEREAS, the Coalition has drafted and introduced language that is detrimental to the financial stability of municipalities, will drastically reduce revenue for all municipalities in Ohio, and includes "unfunded mandates" which will cripple the ability for municipalities to provide basic services to residents and resident businesses alike; and

WHEREAS, the recent reduction in the Local Government Fund has resulted in a loss of \$ \_\_\_\_\_ in revenue for (insert municipality here); and

WHEREAS, the elimination of the Estate Tax will result in a loss of \$ \_\_\_\_\_ in revenue for (insert municipality here); and

WHEREAS, the accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property Tax has resulted in a loss of \$ \_\_\_\_\_ in revenue for (insert municipality here); and

WHEREAS, the proposals in HB 601 will result in an additional estimated loss of revenue of \$ \_\_\_\_\_ for (insert municipality here); and

WHEREAS, HB 601 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that dramatically hamper the ability to administer the tax in an effective manner; and

WHEREAS, the obvious intended long term purpose of HB 601 is State oversight of municipal income tax operations, which could lead to a future push for forced State Centralized Collection of municipal income tax; and

WHEREAS, key pieces of this legislation are clearly an attempt to reduce municipal income tax obligations for businesses by reducing tax liabilities for businesses, which does not change the complexity or add simplicity to the process of filing and paying municipal income tax; and

WHEREAS, municipalities in Ohio, with the support of the Ohio Municipal League, have supported and participated in discussions of uniformity for the past thirteen years, and worked to achieve uniformity in many areas of municipal income tax; and

WHEREAS, each time that uniformity was challenged by a Special Interest group, carve-outs or changes to benefit Special Interests have been put in place by the Ohio General Assembly; and

WHEREAS, municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and

WHEREAS, only municipalities can and will provide the personal service and assistance to its taxpayers in the preparation and filing of their tax reports and returns; and

WHEREAS, only municipalities can ensure the prompt and proper auditing of local tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in HB 601 created with the only purpose of restricting municipalities from correcting / auditing returns or making assessments; and

WHEREAS, only municipalities can and will aggressively pursue those non-compliant and delinquent taxpayers who, by their omission or deliberate deceit, drive up the costs of compliance to all; and

WHEREAS, provisions in this bill hamper every municipality's ability to audit and correct municipal income tax returns, to equitably enforce the municipal income tax laws, creates increased cost of administration due to burdensome notification requirements, reduces revenue due to "unfunded mandates" and elimination of compliance processes, and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

WHEREAS, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.

NOW, THEREFORE, BE IT RESOLVED by the (Council, Commission) of the (insert municipality name here), Ohio that:

Section 1. This Council does hereby declare its strong opposition to any effort by the Ohio General Assembly to pass legislation that creates “unfunded mandates” and a loss of revenue under the guise of municipal income tax uniformity.

Section 2. This Council urges its state legislators to reject HB 601, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio.

Section 3. The proposal by the bill Sponsors (Representative Grossman, Representative Henne) flies in the face of its own stated goals and objectives to achieve a consensus among Interested Parties to the municipal income tax issue, and clearly caters to the requests of the membership of the Coalition, which are all Special Interest Groups.

Section 4. The Ohio General Assembly should request the drafting of legislation that would address the multitude of issues that were agreed upon as a result of the Interested Parties meetings, which will bring uniformity to areas including (but not limited to) due dates for estimated tax payments, due dates of withholding payments, due dates and procedures for extension request filings, due dates for annual Reconciliation of Returns, all of which will simplify the compliance process for businesses and individuals alike.

Section 5. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities, businesses, and individuals as a simple, generic, one-stop method of filing local business income tax returns in one location.

Section 6. Members of the Ohio House and Senate should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

Section 7. 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 by Council on the \_\_\_\_ day of \_\_\_\_\_ 2012;  
\_\_\_\_ Yea; \_\_\_\_\_ Nay.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## **Fw: Ohio Municipal League Legislative Bulletin**

From: "Gregory J Heath" <gheath@napoleonohio.com>  
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

11/19/12 08:09 AM

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-----Original Message-----

From: "Ohio Municipal League" <ajoos@omlohio.org>  
To: gheath@napoleonohio.com  
Date: 11/16/2012 01:05 PM  
Subject: Ohio Municipal League Legislative Bulletin

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## **Ohio Municipal League** **November 16, 2012**

### **HOPEFULLY THIS ISN'T A SIGN OF THINGS TO COME**

Although unfortunate, due to what seems to be a campaign of misinformation, we have found ourselves in a situation where it seems we need to reiterate the league's opposition to recently introduced HB601, Rep. Grossman and Henne's legislation that would drastically alter current revenue and administration capabilities of the municipal income tax.

League staff and other municipal representatives have spent over a year participating in one on one conversations with Municipal Income Tax Uniformity Coalition members and interested party meetings held by the sponsors of HB601, in an attempt to reach areas of compromise on uniformity issues that would severely impact our member's revenues. There has been no product from this time spent on the issue that has caused us to deviate from our position that the league cannot and will not support legislation that strips local control away from one of the most vital resources municipalities have to provide essential services and a bill that drastically pushes a majority of our members to the Fiscal Cliff.

As a way to keep our members up to date on issues surrounding and included in HB601, we will be sending weekly communications to you titled "Views from the Cliff", to make our municipal officials aware of areas of "over-reach" that are important to be highlighted in the bill which will either result in lost revenue, unnecessary growth of state and local government and/or continues the assault on local control.

When necessary, we will also be informing our members of instances where mischaracterizations are being advanced around the Statehouse by entities that seem overly aggressive to achieve uniformity that everyone agrees would be beneficial for Ohio business and communities. We feel it necessary to begin this service so that we may provide local leaders with a clearer view of the forces that are exposing municipalities to these unnecessary fiscal conditions.

The Ohio General Assembly will be back in session November 27, 28, 29th with what is expected to be a full slate of legislative committee meetings. Although the legislature will be back in their districts next week to celebrate Thanksgiving, meetings will be continuing in an attempt to dissect and fully analyze all of the components of HB601 and the effects, by many state and local officials. The league will be compiling all of the perspectives and critiques of what the effects of HB601 could mean to our municipalities and we will be releasing that information to you as soon as it is complete.

Below is our Press Release in opposition to HB601 that was released when the bill was introduced, as a means to reinforce our opposition. We hope everyone has a great weekend!

**FOR IMMEDIATE RELEASE  
PRESS RELEASE**

CONTACT: Kent Scarrett  
OML Director of Communications  
(614)221-4349

**OHIO MUNICIPAL LEAGUE OPPOSES HB601/MUNICIPAL INCOME TAX UNIFORMITY BILL-  
THIS IS NOT A COMPROMISE**

October 30, 2012- Today, Ohio Municipal League Executive Director Susan Cave expressed extreme disappointment in the introduction of House Bill 601, legislation sponsored by House Majority Whip Cheryl Grossman (R-Grove City) and Representative Mike Henne (R-Vandalia). The legislation is the product of nearly a year of meetings initiated by Representatives Grossman and Henne, with OML staff, statewide municipal officials and representatives of business and tax preparing organizations. These interested party meetings began as an attempt to reach areas of compromise and solutions to current areas of municipal income tax procedures that are not uniform statewide among some municipalities.

"We entered into these marathon negotiations in good faith with groups wanting to change the way our local taxes operate. What is the product from these discussions obviously, in no-way, reflects what we would consider to be balanced, with revenue impacts to local revenues kept to a minimum," Director Cave shared.

House Bill 601 includes many areas that would result in significant reductions in municipal income tax revenues. There are several topics that have been a constant source of discussion with members of the Municipal Income Tax Uniformity Coalition (MITUC), the group representing 19 statewide special interest organizations seeking these changes in Ohio statute. These subjects that have been clearly explained to lobbyists and legislators alike are areas that would result in tremendous loss of revenue if not handled in a balanced manner. "The league even offered compromise language that achieves uniformity while attempting to be as revenue neutral as possible, but we see now those attempts have been rejected." Director Cave said. Those areas of massive revenue loss are now part of HB 601 but without any consideration to protecting local revenues. These include forcing an unfunded mandate on over 200 municipalities requiring them to administer a 5 year net operating loss carry-forward policy for individuals and business filers, changing the rules for determining and enforcing residency requirements, severely restricting the ability of municipalities' enforcement efforts, prohibiting current tax practices of communities ability to apply their municipal income tax to a whole segment of commerce within their boundaries, and the list goes on. "For a number of our municipalities, the loss of revenue will reach into the millions of dollars, if this legislation were to be enacted," Cave explained.

"Our municipalities are trying to adjust to reductions in funding that were part of the last state budget through cuts to the Local Government Fund, an accelerated phase-out of promised Tangible Personal Property (TPP) reimbursements and eliminating the Estate Tax. To continue to assault the ability of municipalities to provide services to residents and businesses, just doesn't make sense", Cave continued. "We are hopeful that members of the General Assembly will agree with us that strong communities are vital right now for the economic strength of all of Ohio and creating safe environments for families in which to live. This is not the time to gut city and village budgets."

[Ohio Municipal League](#)

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

**[Forward this email](#)**



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Ohio Municipal League | 175 S. Third Street, Suite 510 | Columbus | OH | 43215

# Memorandum

**To:** Tree Commission, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors  
**From:** Gregory J. Heath, Finance Director/Clerk of Council  
**Date:** 11/13/2012  
**Re:** Tree Commission Meeting Cancellation

---

The regular meeting of the Tree Commission, which was scheduled for Monday, November 19 at 6:00 PM, has been canceled due to lack of agenda items.

# 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:** 11/13/2012

**Re:** Parks & Recreation Committee Meeting Cancellation

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The Parks & Recreation Committee meeting, which was scheduled for Monday, November 19 at 8:00 PM, has been canceled due to lack of agenda items.

**URGENT REVIEW - OML provides draft municipal income tax language**

From: "Michelle Jordan" <datataxgroup@gmail.com> 10/30/12 14:14  
 To: undisclosed-recipients:  
 Bcc: pmiller@napoleonohio.com  
 Attachments: Zaino Draft 718 Page 26.jpg (791.1 kB);

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Dear DATA members:

Below you will find the latest bulletin from the Ohio Municipal League, including the draft language for the bill that will be introduced very shortly regarding municipal income tax uniformity.

This bill will take some time to digest, and a careful review is needed. Areas of concern include (but are not limited to) the following:

- Changes "domicile" to the State's bright line test for residency
- Mandates a five year NOL carryforward (for business entities and individuals with schedule losses)
- Imposes a "20 day rule" to replace the current 12 day rule, with tax not beginning until day 21. Even with the current 12 day rule, once an employee is in your municipality for more than 12 days, they no longer qualify for the 12 day rule exemption and tax is required back to day one. With this new provision, every non resident employer who sends employees into your municipality will get a free 20 day tax holiday from withholding for each employee sent into your city.
- Creates an oversight board for municipal income tax. Keep in mind that this oversight board membership can be changed easily to be comprised of State Department of Taxation officials in the future. (Past drafts of this language referenced the "State Tax Commissioner", and this language was substituted as a compromise). This board will adopt rules (which will be universally applied to all municipalities), and create all forms used by all municipalities.
- A taxpayer aggrieved by an action by a tax administrator, employee, or employee of the municipal corporation can bring action against the tax administrator and/or the municipality related to an audit or assessment and the review and collection proceedings connected with the audit and assessment, and ask for compensatory damages, costs of litigation and attorneys fees.
- Requires cities with a population in excess of 30,000 to have "problem resolution officers" to handle complaints that have been pending before the tax administrator when the taxpayer deems it has been an unreasonable period of time, or when the taxpayer has been unable to obtain a "satisfactory response".
- Creates a burdensome process for audit and assessment. This creates an additional cost of administration that must be considered. Please read these sections carefully, and note the added complexities of this process.
- Provides an appeal process and required documentation when you reduce a refund (beyond the notices that we already provide to the taxpayer).
- Requires annual reporting to the municipal tax policy board and the auditor of state the amount of income tax revenue collected, and provides that if the tax administrator fails to do so, the municipal corporation may not assess a penalty to any taxpayer for the calendar year in which the report was due, or any date after until the reporting is done. The State of Ohio Department of Taxation will keep a list and post a list of such offending municipalities.
- Provides for a cumbersome compliance process that is intended to discourage municipalities from auditing and correcting income tax return filings.

A more complete outline of issues will be provided upon final review. If you are also compiling a listing of issues, please let me know and we can combine lists prior to distribution.

Keep in mind that this draft document was created nearly a year ago, and rumors about this document have circulated for months. Initially, it included a section on forced Centralized Collection of municipal income tax. This was removed just a few months ago from their draft. To provide you with proof that it was included, I

have attached a copy of what was page 26 of this draft from a few months ago. Pay very close attention to the areas in the right hand column that were "deleted". This document, from their draft, shows that the overall intent of the bill was complete uniformity of municipal income tax, along with a forced centralized collection component. This concept, while clearly not a part of this bill, was part of the conceptual process of this document, was originally included in this document, and will come back up again.

DATA will be hosting a meeting with Rep Beck on November 21st in Dayton. I apologize that this is on the day before the Thanksgiving holiday, but this is a very important issue for us to be able to discuss directly with the Chair of the House Ways and Means Committee. You will be asked for some specific numbers related to different aspects of this bill prior to the meeting, in an effort to provide Rep Beck with the most up to date impacts of this legislation.

Thank you so much to OML for getting this draft out to us for review, and for their diligence and hard work on this issue. As they need information regarding revenue impacts, and as we approach the November DATA meeting, you will receive requests for additional information. Please provide the most accurate information possible, along with any explanation on how you arrived at numbers. Your assistance is greatly appreciated!

Michelle

----- Forwarded message -----

From: **Ohio Municipal League** <[ajooos@omloho.org](mailto:ajooos@omloho.org)>  
Date: Tue, Oct 30, 2012 at 12:51 PM  
Subject: Ohio Municipal League Legislative Bulletin  
To: [datataxgroup@gmail.com](mailto:datataxgroup@gmail.com)

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# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

November 9, 2012

## AMP signs memorandum of understanding with FirstEnergy on gas generation project

By Marc Gerken – president/CEO

American Municipal Power, Inc. (AMP) has executed a non-binding memorandum of understanding (MOU) with Akron, Ohio-based FirstEnergy Corp. (NYSE: FE) to construct, own and operate a proposed natural gas generating facility. The 873 MW (summer) gas combustion turbine project would be located on the premises of FE's plant in the City of Eastlake, Ohio, and is subject to regulatory approval.



The intent of the MOU is that AMP and FE will negotiate details of the relationship to develop, and ultimately own and operate a facility consisting of four simple cycle combustion turbines.

It is contemplated in the MOU that FE will construct, operate and maintain the facility on behalf of itself and AMP. Upon completion, AMP will own 75 percent of the generation output, with FE owning the remaining 25 percent.

The project would support AMP's updated 2014-2038 long-term power supply modeling, which shows need for significant peaking generation. The anticipated date of commercial operation for the proposed project would be prior to June 2016.

In 2011, AMP purchased the Fremont Energy Center, a 707 MW (fired) natural gas combined cycle facility located in Fremont, Ohio, from FE. That project (known as the AMP Fremont Energy Center) began commercial operation in 2012 and has been a valuable resource for participating municipal electric systems.



FE has been a good partner for AMP. FE has proven construction oversight experience and a successful operational track record. The Eastlake peaking project has the added benefit of helping to alleviate concerns AMP has about future capacity cost increases resulting from PJM's proposed formation of a new Locational Deliverability Area (LDA) covering the greater Cleveland area beginning with the 2016-17 Reliability Pricing Model (RPM) auction.

LDAs are established by PJM in areas where there is limited transmission capability to import capacity to satisfy reliability requirements. FE's efforts to upgrade transmission around Cleveland combined with the Eastlake project should help to mitigate future constraints and higher capacity market prices in the area.

## The election is over ... now what?

By Jolene Thompson – senior vice president of member services and external affairs/OMEA executive director

After 18 months and nearly \$10 billion in total campaign-related spending, last week's election left control of Washington in the same hands – President Obama returning to the White House, Speaker Boehner and the GOP holding the reins in the U.S. House of Representatives and Majority Leader Reid and the Democrats with more than 50 votes in the U.S. Senate (but not the 60 votes necessary to prevent a filibuster).

see ELECTION Page 2

## Energy Central names Kelley CIO of the year

By Bob Trippe – senior vice president of finance/CFO

Brannndon Kelley, AMP's chief information officer, was recently selected as the 2012 CIO of the Year in the Small Utility category by Energy Central.



The acknowledgement was part of Energy Central's annual Kite Awards, which recognize Knowledge, Innovation, Technology, and Excellence in utility information technology and customer service leadership.

Energy Central's Vice President Mike Smith said in an email congratulating Kelley, "American Municipal Power is clearly among the leaders in solving business problems by developing and implementing an IT strategy."

Kelley has been lauded by Energy Central for establishing AMP's IT department as a business leader with a customer/member focus characterized by transparency and sustainability.

"I'm honored to be recognized for my efforts with AMP. This is a reflection of the trust put in me and my team by AMP's members, board and executive management team," Kelley said.

"I also think it is equally – if not more – important to thank my team. They have spent countless hours over the last three years working with me to deliver the results needed."

The 2012 KITE Awards will be presented during a special awards reception at the Knowledge Summit Nov. 13 in Houston, Texas.

Kelley will also be featured in upcoming editions of Energy Central's *EnergyBiz* and *Intelligent Utility* magazines.

"I take pride in the work of the organization and truly enjoy helping our members in solving their complex business challenges," Kelley said.

continued on Page 3

In AMP footprint states, U.S. Senators Tom Carper (D-Delaware), Debbie Stabenow (D-Michigan), Sherrod Brown (D-Ohio), Tom Casey (D-Pennsylvania) and Joe Manchin (D-West Virginia) bested their challengers and won re-election. In Virginia, former Governor Tim Kaine (D) beat former Governor George Allen (R) to replace retiring Senator Jim Webb in January. One outcome to note in the House races was the victory by Ohio Republican Congressman Jim Renacci, a former Wadsworth Mayor and OMEA Board Member, over Congresswoman Betty Sutton (D) in a member-verses-member district match up.

What does the outcome mean for the issues of interest to AMP and OMEA?

### Fiscal and tax issues

The most critical area of concern for AMP and OMEA is how the Administration and Congress will handle the rapidly impending fiscal cliff created by the expiration of \$600 billion of Bush tax cuts that would impact nearly every American taxpayer and the mandatory \$1 trillion in looming cuts triggered by the budget sequestration designed to hold down spending. Not only does the fiscal cliff present major concerns about 7.6 percent cuts to the Build America Bond subsidies and the potential for elimination or restructuring of tax-exempt financing, but analysts and experts are predicting the strong likelihood of another recession.

The nonpartisan Congressional Budget Office released a report late last week noting that the fiscal cliff could trigger another recession early in 2013 and cause the unemployment rate to jump to 9.1 percent, in addition to cutting the gross domestic product by 0.5 percent in 2013.

APPA reports that the CBO report pressed for taxing the interest on municipal and private activity bonds. To partly offset the increased cost in borrowing that this unprecedented federal tax would impose, CBO proposes having Treasury make payments to issuers equal to 15 percent of the interest expense on these bonds. The proposal would appear to reimburse state and local issuers for as little as 60 percent of the increased borrowing costs they would face if these bonds were subject to federal tax: a reimbursement which -- as we have seen from the looming sequester of payments for Build America Bonds -- could be cut at any time.

The 60 percent figure is based on CBO's estimates of the tax value of the current tax treatment of municipal and private activity bond, CBO's estimate of the proportion of that tax value which results in lower interest rates on state and local bonds, and the revenue to be raised by the proposal. This proposal is identical to one CBO proposed in a similar report in March 2011. CBO estimated at the time that such an approach would raise \$25 billion annually for the federal government by 2020. In the report released yesterday that estimate increased to \$30 billion in annual federal revenues.

Assuming Congress is unable to craft and pass a grand plan to resolve the fiscal cliff issues in the next six weeks before the changes hit, Congress does have tools in its toolbox to help mitigate or delay the impacts, but bipartisanship and collaboration -- both rarities -- will be required. Another topic to watch for in this debate is the possibility of a carbon tax -- viewed as a revenue enhancer by some (and as a regressive tax by others). Inside the beltway, varying interest groups have started bringing up the topic of a possible carbon tax -- which under less extreme fiscal conditions would have been a non-starter.

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

#### Week ending Nov. 9

MON	TUE	WED	THU	FRI
\$45.00	\$46.00	\$49.00	\$43.25	\$39.75

#### Week ending Nov. 2

MON	TUE	WED	THU	FRI
\$44.00	\$37.25	\$41.00	\$43.75	\$42.50

AEP/Dayton 2012 5x16 price as of Nov. 9 -- \$41.95

AEP/Dayton 2012 5x16 price as of Nov. 2 -- \$42.00

We will be reaching out to our members often throughout the coming months to request grassroots support to reaffirm awareness by federal lawmakers about the important role that tax-exempt financing plays -- watch your in box in the next few weeks and please plan to attend the APPA Legislative Rally in Washington, D.C., on March 11-13, 2013.

### Energy and environmental issues

The second biggest area of concern will be energy and environmental policy. On the environmental front, we're tracking the various rules already in the works or soon to be from the U.S. EPA, including the following that we expect to see action on in the next two months:

- Air quality standards for fine particulate matter (PM2.5)
- Greenhouse gas limits for new power plants
- Coal ash designation
- Boiler MACT
- RICE NESHAP finalized with amendments

There are also a variety of U.S. EPA items anticipated for final release in the coming year:

- Air quality standards for ozone
- New Source Performance Standards for gas turbines
- Cooling water discharge at power plants
- Cross State Air Pollution Rule/Clean Air Interstate Rule replacement
- Greenhouse gas standards for exiting power plants

On the energy policy front, we will be watching new Senate Energy and Natural Resources Committee leadership -- Chairman Ron Wyden (D-Oregon) and Ranking Member Lisa Murkowski (R-Alaska) -- to how far they will be willing to go on hydropower regulatory reform, clean energy standards and/or any sort of discussion of carbon.

### Cyber

Lastly, on the issue of cybersecurity, we expect to see an Executive Order proposed by the White House and legislation considered in Congress to deal with information-sharing and coordination. Some lawmakers would prefer a very mandated program; others more voluntary. It remains to be seen what ultimate structure will prevail, but the electric industry sector (including public power represented by APPA and TAPS, investor-owned utilities represented by EEI and rural cooperatives by NRECA) has been working as a coordinated group to vet ideas and argue for recognition that the electric sector is the only sector already subject to standards via NERC.

We will keep our members posted as these issues take shape. The bottom line is to expect a busy 2013 with the potential for major impacts on your municipal electric system.

## Energy markets quiet this week

By Craig Kleinhenz – manager of power supply planning

With the departure of Hurricane Sandy, the markets had a very quiet week.

Natural gas storage levels increased again this week and are now at an all-time high. There should only be a week or two left in natural gas storage season before we change to withdrawal season.

December natural gas prices closed down \$0.06/MMBtu from last week to end at \$3.61/MMBtu. 2013 on-peak electric prices at AD Hub finished down \$0.05/MWh from last week, closing at \$41.95/MWh.

## Members lend helping hand through hurricane crisis

By Michelle Palmer – assistant vice president of technical services

While widespread cleanup and restoration efforts continue on the East Coast from the aftermath of Hurricane Sandy, AMP member communities are faring well.

Cleveland, Wadsworth, Westerville, Hudson, Hamilton and Hubbard all provided assistance to FirstEnergy in the wake of Hurricane Sandy.

As reported last week, Philippi was hit hard by the storm. The city was out of power until 8 p.m. Nov. 2. Piqua crews provided restoration through AMP's Mutual Aid program.

Mutual Aid exists in the event of disasters too devastating for one system to handle alone. Assistance can be in the form of labor, materials and equipment.

Thank you again to all those who responded to calls and made crews available.

If your community has not yet signed a mutual aid agreement, we encourage you to do so. Please contact me at mpalmer@amppartners.org or 614.540.0924.

## AMP headquarters to host finance, accounting meeting

By Chris Deeter – senior director of member credit compliance

The next Finance & Accounting Subcommittee Meeting will be held Nov. 29 at AMP's headquarters.

Finance staff, municipal management and support staff, as well as elected officials, are invited.

The slated schedule will start with a time for networking followed by a host of speakers. Dawn Lund with Utility Financial Solutions will present "Explaining Rate Increases to Your Council and the End User"; Steve Green, principal at Winkel, Green and Van Horn, will discuss "Internal Controls"; Kelly Hephner, finance director for Montpelier, will cover a case for internal controls review, "Not on My Watch"; AMP's Assistant Vice President of Government Affairs and Publications Michael Beirne will provide legislative updates on issues of interest to member communities; and Ted Sobel, AMP's financial adviser, will also speak.

Reservations are requested by Nov. 26. Please contact AMP's Member Credit Compliance Analyst JC Speiser at jspeiser@amppartners.org or 614.540.0967; or myself at cdeeter@amppartners.org or 614.540.0848.

## Kelley named CIO of the year

continued from Page 1

The 2012 winners in each of the four award categories are:

- CIO of the Year, Large Utility Category – Mike Winters, Hydro One
- CIO of the Year, Small Utility Category – Brandon Kelley, American Municipal Power
- Customer Service Leader of the Year, Large Utility Category – Caroline Winn, San Diego Gas & Electric
- Customer Service Leader of the Year, Small Utility Category – Monica Whiting, Colorado Springs Utilities

For more information on Energy Central, please visit [www.energycentral.com](http://www.energycentral.com)

### October Operations Statistics

	JV6 Wind Output	Belleville Output	Avg. A/D Hub On-Peak Rate
Oct. 2012	33%	41%	\$37.40 /MWh
Oct. 2011	21%	95%	\$39.50 /MWh
	Fremont Energy Center Output	Blue Creek Wind Output	Napoleon Solar Output
Oct. 2012	64%	39%	15%

\*Fremont capacity factor based on 675 MW rating  
\*Solar capacity factor based on 3.5 MW rating

## Webinar focuses on new strategies for public power workforce

The APPA Academy and Hometown Connections will offer the webinar "Managing the Public Power Workforce: New Strategies for Staff Retention, Recruitment, and Succession Planning" from 2 to 3:30 p.m. Nov. 15.



The webinar will focus on how having a stable and highly skilled workforce affects all aspects of public power investments. In a time of tight budgets, the program will cover how to address the pressures for competitive compensation packages, finding new employees with the most potential, keeping current employees for the long term, developing personnel policies suited to a younger workforce, mentoring existing staff for future responsibilities and working with governing boards/city councils to address these issues.

Tim Blodgett, president and CEO of Hometown Connections, will be the moderator. Speakers are: Girish Balachandran, general manager of Alameda Municipal Power in California; Elizabeth Kirkley, electric utility director of Lodi Electric Utility in California; Carl Mycoff, president of Mycoff Fry & Prouse; and John Twitty, executive director of Transmission Access Policy Study Group.

Cost is \$89 for members, \$179 for nonmembers. Click [here](#) to register.



## News or Ads?

Call Krista Selvage at 614.540.6407 or email to [kbselvage@amppartners.org](mailto:kbselvage@amppartners.org) if you would like to pass along news or ads.

## 2012 Hard Hat Safety Award winners

By Roy Dolezal – director of safety

Communities with Hard Hat Safety Award winners were recognized at the 2012 AMP/OMEA Conference in Cleveland, but the individuals were not announced. They are, and will continue to be, recognized at meetings in their home communities later this year and presented with their awards at that time.

The Hard Hat Safety Awards recognize municipal electric system employees who contribute to safety within their community during the past year, show adherence to on-the-job safety procedures, and promote electrical safety within their department and community.

The 14 municipal electric systems with winners for 2012 are: Bryan Municipal Utilities, City of Coldwater Board of Public Utilities, Cuyahoga Falls Electric System, Borough of Ephrata Electric Division, Hudson Public Power, Minster Utilities Department, Montpelier Municipal Utility, Oberlin Municipal Light & Power System, Orrville Utilities, Painesville Municipal Electric, Village of Pioneer, St. Clairsville Light & Power, City of Wadsworth Electric & Communications, and Westerville Electric Division.



John Neuman, Minster electric superintendent, receives a 2012 Hard Hat Safety Award.



Dale Tittle (left), Wadsworth assistant superintendent, congratulates Josh Specht, powerline electrician II with Wadsworth, on receiving a 2012 Hard Hat Safety Award.



Ray Fiscus (center), Orrville lineman III, receives a 2012 Hard Hat Safety Award. He is pictured with Dick Smith (left), Orrville distribution superintendent and Jeff Vogelhuber, Orrville assistant distribution superintendent.



Steve Bice (right), Westerville journeyman lineworker, receives a 2012 Hard Hat Safety Award. Andy Boatright (left), Westerville electric utility manager, nominated Bice for the award.

### Hydro photos updated, subscribe to AMP Alerts

Updated construction photos of the hydro projects are now posted on the [AMP website](#). These images are updated regularly to illustrate the progress of project construction in chronological order. Subscribers of AMP Alerts will receive notifications when these and other online categories are updated. To subscribe, visit [AMP's website](#) and choose the "subscribe" link in the top right corner of the home page.

## Fw: Ohio Municipal League Legislative Bulletin

From: "Gregory J Heath" <gheath@napoleonohio.com> 11/12/12 09:30 AM  
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>  
Cc: "Zimmerman Tom" <tzimmerman@napoleonohio.com>, "Trevor Hayberger" <thayberger@napoleonohio.com>, "Tony Cotter" <tcotter@napoleonohio.com>, "Sheryl Rathge" <srathge@napoleonohio.com>, "Scott Hoover" <shoover@napoleonohio.com>, "Roxanne Dietrich" <rdietrich@napoleonohio.com>, "Robert Weitzel" <rweitzel@napoleonohio.com>, "Matt Bilow" <mbilow@napoleonohio.com>, "Kris Honemann" <khonemann@napoleonohio.com>, "Karen McCarthy" <kmccarthy@napoleonohio.com>, "Judge Amy Rosebrook" <arosebrook@napoleonohio.com>, "Jeff Rathge" <jrathge@napoleonohio.com>, "Gregory J Heath" <gheath@napoleonohio.com>, "Gloria Mikolajczak" <gmikolajczak@napoleonohio.com>, "Dr. Jon A. Bisher" <jbisher@napoleonohio.com>, "Dennis P. Clapp" <dclapp@napoleonohio.com>, "Dan Wachtman" <dwachtman@napoleonohio.com>, "Chris Peddicord" <cpeddicord@napoleonohio.com>, "Chief Bob Bennett" <bbennett@napoleonohio.com>, "Chad Lulfs" <clulfs@napoleonohio.com>, "Bob Bogert" <bobbogert@napoleonohio.com>, "Betty Marihugh" <bmarihugh@napoleonohio.com>

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Include in Council Packets.

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-----Original Message-----

From: "Ohio Municipal League" <ajoos@omlohio.org>  
To: gheath@napoleonohio.com  
Date: 11/09/2012 02:11 PM  
Subject: Ohio Municipal League Legislative Bulletin

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## Ohio Municipal League

November 9, 2012

### LAME DUCK EXPECTED TO INCLUDE A WIDE ARRAY OF ISSUES

Next week, the Ohio General Assembly will reconvene for the final stage of the 129th General Assembly session schedule. This legislative time period is referred to as the "Lame Duck" session and is usually when bills or pressing issues that are a priority for legislative leaders, which have not yet made their way through the legislative process, receive the necessary attention required to become law before the General Assembly adjourns for the year. Currently, there are 9 days scheduled for the upcoming Lame Duck session.

Although you can never be completely certain of what will take place in a Lame Duck session, there have been several items identified by Governor Kasich and fellow legislative leaders as warranting attention. There are three items right off the top that are of particular interest to

municipalities which we expect to be dealt with in the next two months. We anticipate that the House Ways and Means Committee will hold hearings on legislation recently introduced that would impose significant changes to the administration and effectiveness of current municipal income tax practices. As we reported to you last week, HB601 (Grossman/Henne), the Municipal Income Tax Uniformity bill was dropped last Tuesday. The bill is not scheduled for a first hearing in the House Ways and Means Committee next week, but we believe it will receive hearings later in the month and possibly into next month. We will be sure to alert our members to any committee activity surrounding this proposal.

There also remains unresolved what will become of subHB50 (Schuring), the bill that rests in the Senate Ways and Means Committee which addresses current expedited 100% TYPE II annexations. As we have reported to you previous on HB50, the House Local Government Committee made significant changes to the original bill that was introduced. After much hard work to get the bill to where it is, we are hopeful that if the Ohio Senate does move the bill for final passage that it remains in its current form, without further amendments.

Many of our members have been contacting our offices to receive updates on the current 911 funding system that is set to expire or sunset at the end of the year, with currently no plan to continue the funding system now being used. There is a report due next week from a commission that has been assembled to study the matter and provide recommendations for future 911 funding. We are hopeful the report will reflect the urgency warranted for members of the Ohio Legislature to address this critical statewide public safety issue and to not let gaps in future 911 funding unnecessary risk the lives and welfare of Ohio residents.

Other areas that have been raised as topics that may be worked on before the 129th GA comes to a close include: restructuring of Ohio's Severance Tax to reflect the new oil and gas treatments; parts of Ohio's elections law have been talked about receiving attention in areas such as current early voting issues and other subjects that have arisen before the November election; remaining components of the Governor's Mid-Biennial Review budget (MBR) such as the Financial Institutions Tax (FIT); issues surrounding school funding and lingering concerns with the current redistricting procedure that was the focus of the recent Issue2 ballot initiative.

In the first race after reapportionment, although there were 117 legislators up for re-election November 6, the Ohio Statehouse will see few new faces when the legislature begins the 130th General Assembly in January. The Ohio House of Representatives will have 58 members who are Republican and 41 Democrats, with three races yet to be determined because they are too close to call. The Ohio Senate added a new member but did not change the numerical composition of the 23 member majority for Republicans and 10 Democrat members, of the upper chamber.

We want to congratulate all those members who were successful in retaining their seat in the Ohio legislature and we hope that during the campaign season when interacting with those seeking to represent you, that our municipal leaders had an opportunity to reach-out to their representatives or senators and share with them the priorities of each community. If your Statehouse delegation does not hear from their municipal officials about things that are going well or areas that are a source of stress that may impede the success of political subdivisions in a member's district, then the old adage, "out of sight means out of mind" would apply and any relevant, fluid develops or proposals that may affect local governments coming from the Statehouse would be perceived as not being a concern.

Our policy makers in Columbus, now more than ever, need and are asking for the contribution of ideas from Ohio's municipal leaders who serve on the front lines of service delivery, making daily decisions that directly affect the health and welfare of all Ohio residents and business communities. It is so vital that our municipal officials help lead the discussions that are occurring on a statewide basis about the future of our state and the role of its local partners.

### **THANK YOU FOR MAKING OUR 61ST ANNUAL CONFERENCE A GREAT SUCCESS**

On behalf of the Ohio Municipal League Board of Trustees and staff we would like to thank all of

our municipal officials from across the state who took time out of their busy schedules last week to attend the 61st OML Annual Conference. We would also like to thank the nearly 80 exhibitors who participated in our Exhibit Show, this year. We hope that those who joined us in Columbus were able to take home with them some new ideas, maybe a refresher in areas where needed and to learn of current conditions and issues effecting Ohio municipalities being proposed at the Ohio Statehouse. And lastly, we would not be able to provide our members with the level of timely information if it weren't for the experts who deliver the information so valuable to our attendees so we send out a big thank you to all our presenters.

### **DUBLIN HOSTS MUNICIPAL FINANCE OFFICERS ASSOCIATION CONFERENCE**

At the same time our Mayors, Vice Mayors, Managers, Council members and other municipal administrative officials were attending our annual conference in downtown Columbus, our Municipal Finance Officers were meeting just north in Dublin to convene their annual conference. As usual, our finance officials were ready to dive into issues concerning municipal revenues through best practices and peer sharing of current issues both positive and concerning. We want to thank our finance officers and their staff professionals who took time out of their hectic schedules to join us for what we hope was a productive event.

### **INNOVATION GRANT PROGRAM APPLICATIONS BEING ACCEPTED FOR FOURTH ROUND**

The Office of Budget and Management (OBM) has announced that the fourth round of loan applications is currently underway for the Local Government Innovation Fund, which was instituted to support collaboration among local entities to reduce the cost of providing services. The Local Government Innovation Fund started fiscal year with \$45 million, \$36 million of which is meant for loans and \$9 million for planning and feasibility study grants. Applications and more information can be found at [www.development.ohio.gov/cs/cs\\_localgovfund.htm](http://www.development.ohio.gov/cs/cs_localgovfund.htm).

The Development Services Agency, which administers the program, has stated that despite the recent increase in interest for loans to support local government efficiency projects, it is not expected that all \$33.8 million available will be distributed. Projects applying for the LGIF loans can receive up to \$100,000 per entity for demonstration projects or up to \$500,000 for collaborative projects involving multiple partners. Because of the projected excess money available in the loan program, there may be a fifth round of loan applications in the future.

### **OML ANNUAL LEGISLATIVE LUNCHEON SCHEDULED FOR FEBRUARY 6, 2013**

We encourage all of our members to circle their calendar the date of February 6, 2013 as a day to join OML staff and fellow municipal leaders from across the state as we host our annual OML Legislative Luncheon at the Ohio Statehouse.

As in past legislative luncheons, this is a crucial opportunity for members of the Ohio General Assembly to meet with our municipal leaders and hear first-hand issues facing local communities. Our legislative luncheon conversely is a great chance for our local officials to visit with their Representative or Senator, as the new year begins and plans will be underway for what will be included in the upcoming 2013/'14 state Biennial Budget, which always seems to hold many items of interest for our municipal operations.

We will be sending you additional information about our legislative luncheon as we get closer to February 6, but please consider joining us and have lunch with those that will be determining Ohio's cities and villages futures.

### **LEGISLATIVE COMMITTEE SCHEDULE FOR THE WEEK OF NOVEMBER 11, 2012**

Wednesday, November 14, 2012