

Steve Miller
Mayor

Ron D'Epifanio
Council Member at Large

Chad Oberson
Council Member at Large

Bill Woeste
Council Member at Large



Leslie Besl
Council Member, 1st Ward

Craig Keller
Council Member, 2nd Ward

Debbie Pennington
Council Member, 3rd Ward

Tim Abbott
Council Member, 4th Ward

**CITY OF FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, MARCH 25, 2019 7:00 PM
5350 PLEASANT AVENUE, FAIRFIELD, OH 45014**

Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

- 1. COUNCIL-MANAGER BRIEFING**
 - A. 6:00 PM - Diversity Management & Recruitment
- 2. BUSINESS MEETING CALL TO ORDER**
- 3. PRAYER/PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL**
- 5. AGENDA MODIFICATIONS**
- 6. EXECUTIVE SESSION REQUESTS**
- 7. SPECIAL PRESENTATIONS AND CITIZEN COMMENTS**
- 8. PUBLIC HEARING(S)**
- 9. APPROVAL OF MINUTES**
 - a. Regular Meeting held March 11, 2019
- 10. OLD BUSINESS AND REPORTS**
 - A. COMMUNITY & PUBLIC RELATIONS COMMITTEE**

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

B. DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

C. PARKS, RECREATION AND ENVIRONMENT COMMITTEE

Craig Keller, Chair; Bill Woeste, Vice Chair; Debbie Pennington, Member

D. PUBLIC SAFETY COMMITTEE

Ron D'Epifanio, Chair; Craig Keller, Vice Chair; Tim Abbott, Member

E. PUBLIC WORKS COMMITTEE

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

1. Ordinance to authorize the City Manager to enter into a contract with Prus Construction for the 2019 Sidewalk/Apron Replacement Program.
 - Legislation - Second Reading
2. Ordinance to authorize the City Manager to enter into a contract with WG Stang, LLC for the River and Gray Intersection Improvements Project.
 - Legislation - Second Reading

F. PUBLIC UTILITIES COMMITTEE

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

G. FINANCE & BUDGET COMMITTEE

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

11. NEW BUSINESS

A. COMMUNITY & PUBLIC RELATIONS COMMITTEE

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

1. Simple Motion: Motion to approve the following 2019 Boards/Commissions Appointments effective April 1, 2019: Chad Whitmore – Board of Zoning Appeals (Term expires 3/31/24) Matthew Davidson – Civil Service Commission (Term expires 3/31/22) Kert Radel – Design Review Committee (Term expires 3/31/21) Zachery Ketring – Design Review Committee (Term expires 3/31/21) Don Carpenter – Parks & Recreation Board (Term expires 3/31/22) Paul Assum – Parks & Recreation Board (Term expires 3/31/22) Dean Langevin – Planning Commission (Term expires 3/31/21) Terry Senger – Planning Commission (Term expires 3/31/21) Joan Hume-Cohen - Cultural Arts Advisory Commission (Term expires 3/31/22) Lactetia Cadle - Cultural Arts Advisory Commission (Term expires 3/31/22) Tricia Paugstat - Cultural Arts Advisory Commission (Term expires 3/31/22) Anna Barrett - Environmental Commission (Term expires 3/31/22) Phillip Bowling - Environmental Commission (Term expires 3/31/22) Ingrid Anderson – Income Tax Review Board (Term expires 3/31/21) Sharon Bennett – Ward Boundary Review Commission Scott Fowler – Ward Boundary Review Commission

B. DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

1. Ordinance to authorize the City Manager to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement, which will provide property tax incentives for Rolled Alloys, Inc. and Hollingsworth Capital Partners - Investments IV, LLC, to include an expansion to its existing facility located at 4085 Thunderbird Lane, and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

C. PARKS, RECREATION AND ENVIRONMENT COMMITTEE

Craig Keller, Chair; Bill Woeste, Vice Chair; Debbie Pennington, Member

1. Ordinance to authorize the City Manager to enter into a contract with Vincent Lighting Systems for Theatrical Dimming Equipment replacement for the Community Arts Center and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

D. FINANCE & BUDGET COMMITTEE

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

1. Resolution appointing Kristina Mayes, Income Tax Administrator and her successors as the Compliance Officer for the City of Fairfield Credit Card Accounts and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to amend Section 163.20 of the Employee Provisions of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
3. Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal Ordinance No. 33-18 and 65-18 and all amendments thereto and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading

- Motion - Suspend Second and Third Readings
 - Motion - Adoption
4. Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance No. 14-19 and all amendments thereto and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
 5. Ordinance to establish salaries and hourly rates for certain Municipal Court Employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of Certain Municipal Court Employees to repeal Ordinance No. 30-18 and all amendments thereto and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
 6. Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Contractual Appropriations: \$375,000 Plus Construction contract for 2019 Sidewalk/Apron Replacement Program; \$700,000 for 2019 Concrete Repair and Replacement (existing contract); \$88,600 for theatrical dimming equipment replacement

 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
 7. Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Non-Contractual Appropriations: \$26,000 for manhole castings

 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

12. MEETING SCHEDULE

- A. Monday, April 8 - Council-Manager Briefing, 5:30 PM; Regular Meeting, 7:00 PM
- B. Monday, April 22 - Council-Manager Briefing, 6:00 PM; Regular Meeting, 7:00 PM
- C. Monday, May 13 - Council-Manager Briefing, 6:00 PM; Regular Meeting, 7:00 PM

13. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

14. ADJOURNMENT

**City of Fairfield
Minutes
Regular Meeting of City Council
March 11, 2019**

Council-Manager Briefing

6:00 PM - PACE Financing 6:30 PM - Economic Development Update

Mayor Miller called the briefing to order at 6:00 PM. Councilmembers present: Leslie Besl, Debbie Pennington, Tim Abbott, Ron D'Epifanio, Bill Woeste. Craig Keller arrived at 6:30 PM.

Staff members present: Mark Wendling, Dan Wendt, Alisha Wilson, Greg Kathman, Alex Kraemer, Erin Lynn, Steve Maynard, Tiphonie Howard, Lee Rosato, Carol Mayhall, Dave Butsch, Adam Sackenheim, Scott Timmer.

Council heard a presentation regarding PACE Financing from Skylor Miller, Greater Cincinnati Energy Alliance, and a presentation regarding Economic Development in Fairfield from Greg Kathman, Development Services Director. See attached slides.

Business Meeting Call to Order

Mayor Miller called the Regular Meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Mayor Miller led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Ron D'Epifanio	Council Member at Large	Present	
Chad Oberson	Council Member at Large	Present	
Bill Woeste	Council Member at Large	Present	
Leslie Besl	Council Member, 1st Ward	Present	
Craig W. Keller	Council Member, 2nd Ward	Present	
Debbie Pennington	Council Member, 3rd Ward	Present	
Tim Abbott	Council Member, 4th Ward	Present	
Steve Miller	Mayor	Present	

Agenda Modifications

None.

Executive Session Requests

Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

Councilmember Abbott, seconded by Councilmember Pennington, moved for Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Motion carried 7-0.

Special Presentations and Citizen Comments

David Brown, Butler County Auditor's Office, addressed Council regarding the status of fuel quality testing in the County, as well as announced the Board of Revision filing deadline of April 1.

Peggy Potts, 5292 Freida Drive, addressed Council regarding the decision concerning the Asian market. She stated that the newspaper indicated objections due to undesirables, that the area will decline and that it will add traffic. Mayor Miller stated that the article was not good reporting and was biased, that the reporter picked and chose what to report. Attorney Steve Woltermann explained that the zoning for that piece of land is different because it is a PUD and that the office building was meant to be a buffer to the residential area, and by changing it to retail, it would no longer serve as that intended buffer.

Public Hearing(s)

None.

Approval of Minutes

- a. The Regular Meeting Minutes of February 25, 2019 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Development Services Committee

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by changing the current Frederic's Corporation Planned Unit Development Plan to M-2, General Industrial District.

Recommendation:

It is recommended that City Council have a first reading on this item at the January 28, 2019 meeting, set the joint public hearing date for February 11, and await the written recommendation from the Planning Commission.

Councilmember Woeste presented the third reading of this ordinance. ORDINANCE NO. 18-19.
APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Woeste, Council Member at Large
SECONDER:	Tim Abbott, Council Member, 4th Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

NEW BUSINESS

Public Works Committee

Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

Motion to Read by Title Only

Motion to read the following three (3) ordinances by title only.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Chad Oberson, Council Member at Large
SECONDER:	Craig W. Keller, Council Member, 2nd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to authorize the City Manager to enter into a contract with Prus Construction for the 2019 Sidewalk/Apron Replacement Program.

Recommendation:

The staff recommends that City Council authorize the City Manager to enter into a one (1) year contract with Prus Construction of Cincinnati, Ohio for the 2019 Sidewalk/Apron Replacement at the unit prices indicated. The recommendation to exercise the year 2 and year 3 option are to be determined.

It is further recommended that City Council authorize and direct the preparation of legislation for the appropriation of funding in the amount of \$375,000.00 from the General Fund for the 2019 portion of this project.

Councilmember Oberson presented the first reading of this ordinance.

RESULT:	FIRST READING Next: 3/25/2019 7:00 PM
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Ordinance to authorize the City Manager to enter into a contract with WG Stang, LLC for the River and Gray Intersection Improvements Project.

Recommendation:

It is recommended that City Council approve legislation for an appropriation of funding for the amounts shown in the Financial Impact.

It is also recommended that City Council direct the preparation of legislation authorizing the City Manager to enter into a contract with WG Stang, LLC for the River and Gray Intersection Improvements Project.

Councilmember Oberson presented the first reading of this ordinance.

RESULT:	FIRST READING Next: 3/25/2019 7:00 PM
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Ordinance to authorize the City Manager to enter into a contract with A&A Safety of Amelia, Ohio for the 2019 Pavement Marking Application Program.

Recommendation:

It is recommended that City Council approve legislation for an appropriation in the amount of \$105,000.00 from the Street Improvement Fund, and authorize the City Manager to enter into a contract with A&A Safety of Amelia, Ohio for the 2019 Pavement Marking Application contract.

ORDINANCE NO. 19-19. APPROVED 7-0.

Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Chad Oberson, Council Member at Large
SECONDER: Bill Woeste, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Oberson presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Chad Oberson, Council Member at Large
SECONDER: Bill Woeste, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Public Utilities Committee

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

Motion to Read by Title Only

Motion to read one (1) ordinance by title only.

RESULT: CARRIED [UNANIMOUS]
MOVER: Debbie Pennington, Council Member, 3rd Ward
SECONDER: Craig W. Keller, Council Member, 2nd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to authorize the City Manager to enter into a contract with Larry Smith Incorporated for the Donald Drive Water Main Replacement Project.

Recommendation:

It is recommended that City Council authorize the City Manager to enter a contract with Larry Smith Incorporated, and appropriate project funding in the amount of \$480,000.00 for the Donald Drive Water Main Replacement Project. Rules suspension is being requested in order to expedite the project.

ORDINANCE NO. 20-19. APPROVED 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Debbie Pennington, Council Member, 3rd Ward
SECONDER: Tim Abbott, Council Member, 4th Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Pennington presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Debbie Pennington, Council Member, 3rd Ward
SECONDER: Craig W. Keller, Council Member, 2nd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Finance & Budget Committee

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

Motion to Read by Title Only

Motion to read the following two (2) ordinances by title only.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Debbie Pennington, Council Member, 3rd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 21-19. APPROVED 6-0 (Councilmember Abbott abstained).

RESULT:	ADOPTED [6 TO 0]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Craig W. Keller, Council Member, 2nd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington
ABSTAIN:	Abbott

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Debbie Pennington, Council Member, 3rd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 22-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Debbie Pennington, Council Member, 3rd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

Councilmember Abbott presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Bill Woeste, Council Member at Large
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Monday, March 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, April 8 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- C. Monday, April 22 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:40 PM.

14. ADJOURNMENT

The Regular Meeting adjourned at 8:15 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved_____

Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)



City of Fairfield
March 11, 2019

WHO WE ARE

- Nonprofit organization focused on energy efficiency investments
- Total regional investment over ***\$50+ million***
- Public-Private Partnership
- ***\$20+ million*** in grants & contracts awarded
 - Department of Energy Better Buildings
 - County and City Governments
 - Kentucky State Energy Office



Greater Cincinnati
**Energy
Alliance**



WHAT IS PACE?

Property Assessed Clean Energy (PACE) provides a capital financing option for building owners that Local Governments can facilitate as an economic development incentive.

PACE is a special assessment financing for energy efficiency and renewable energy building improvements for commercial properties.



OLD CONCEPT / NEW APPLICATION



1736 – First Assessment District created in Philadelphia

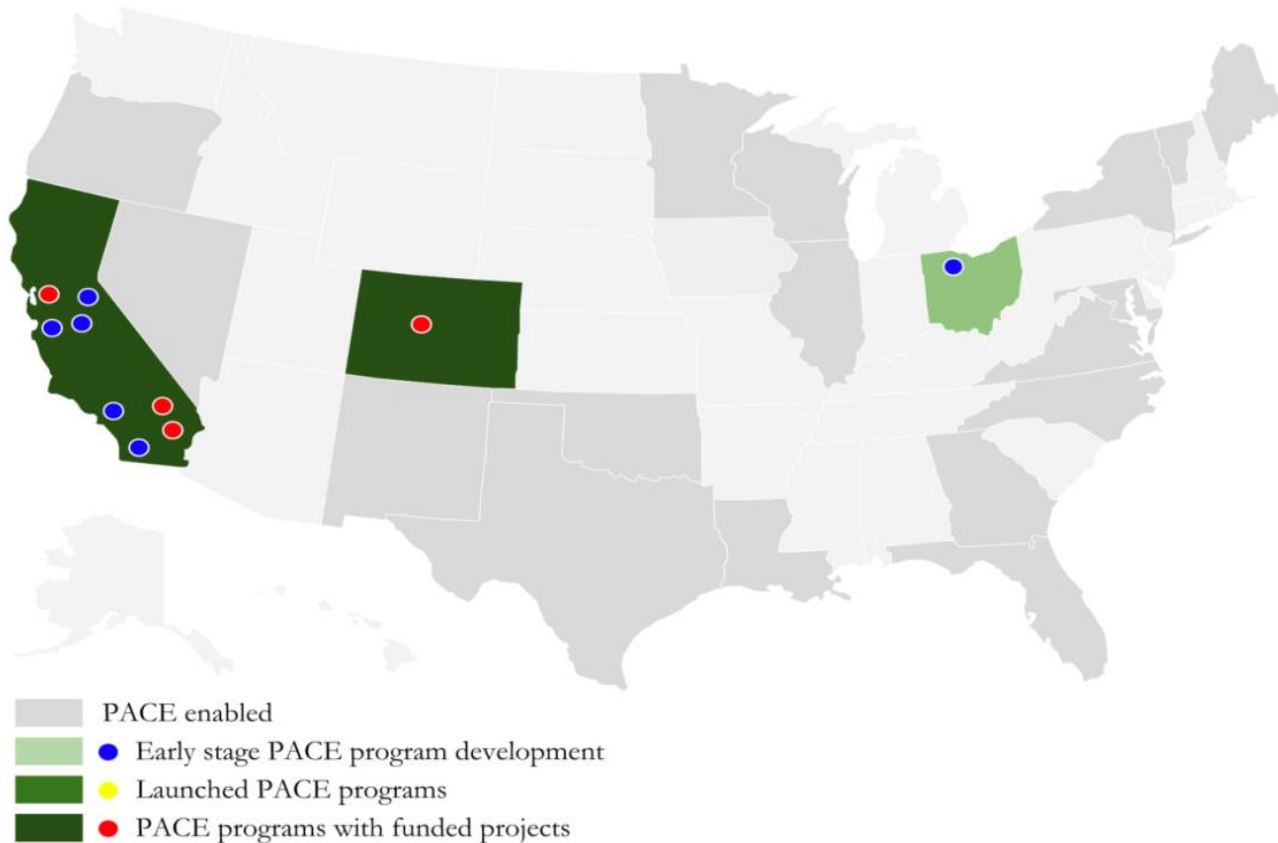
Today – 37,000 Assessment Districts nationwide

- Water & Sewer Service
- Storm Water
- Sidewalks
- Lighting
- Downtown Renewal
- Energy Efficiency (PACE)

PACE LEGISLATIVE MAP 2010

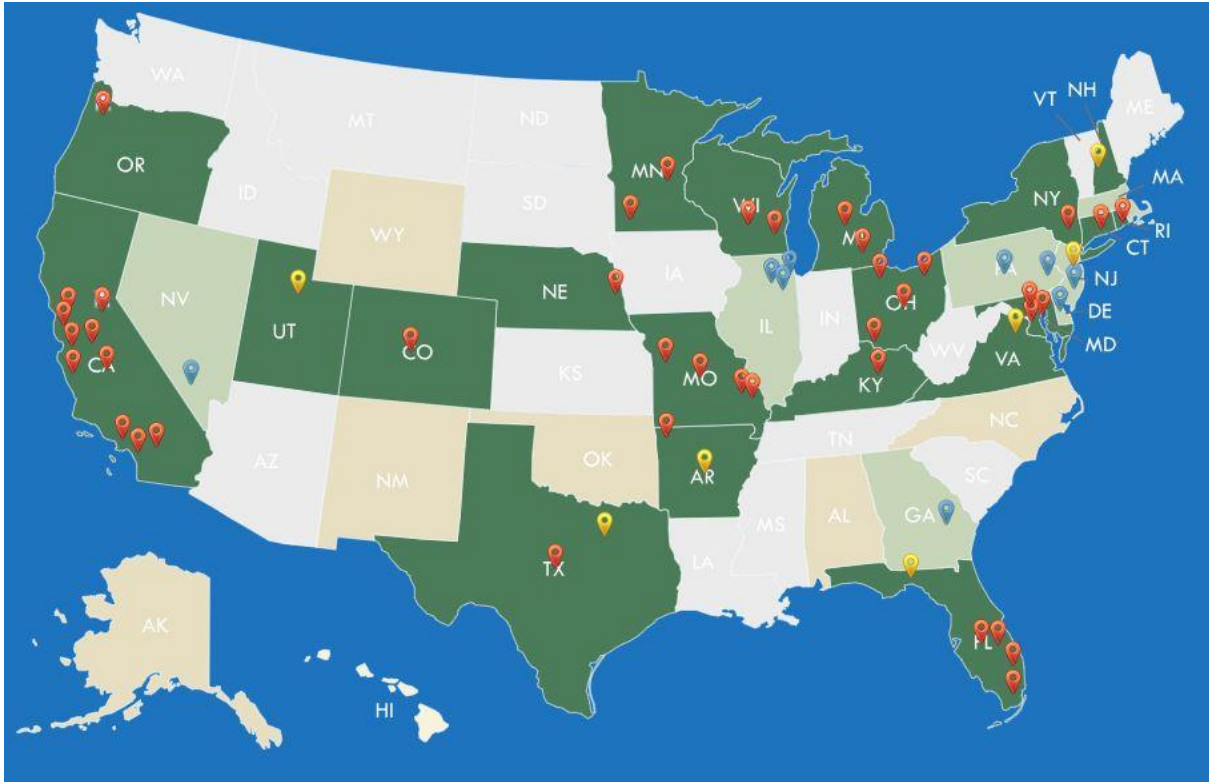
\$1,000,000 in PACE investments

3 States



PACE LEGISLATIVE MAP 2019

\$700,000,000 in PACE Investments – 43,000+ Jobs Created
30+ States reaching 80+% of US Population



Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)



OHIO ENERGY SID

- PACE legislation modifies Special Improvement Districts to create an “ESID”
 - Ohio State Legislation was passed in 2009
 - Local Legislation needed by City, Village or Twp.
- Property owner voluntarily joins district
- Non-contiguous district



OHIO ESID PROCESS (1ST PROJECT)

1. Property owner submits petition to local government to create ESID
2. Local government approves ESID creation by Resolution/Ordinance
3. ESID Board forms (2 of 5 members by local government)
4. ESID and local government approve the project including the PACE special assessment schedule by Ordinance

OHIO ESID PROCESS (1ST PROJECT)

5. Special assessment details forwarded to County Auditor/Treasurer
6. PACE financing “closing” occurs with PACE Lender
7. Energy project gets completed
8. Property owner receives normal tax bill with the PACE special assessment added and remits to the County Treasurer as usual. All taxing authority remains with the local government



LOCAL GOVERNMENT ROLE

(AFTER 1ST PROJECT)

Ongoing approval for future projects as new property owners are approved by the ESID

Continues to authorize the County Auditor to place new PAC special assessments for new/approved property owners

COUNTY ROLE

(AFTER 1ST PROJECT)

Auditor continues to receive requests from local government to place assessment on property tax record

Treasurer continues to receives payments from participating property owners and remits to the local government finance department

OHIO PACE ROLE



WHO IS PACE FOR?

All commercial property types* including
Multi-family with 5 or more units

*Exception: state and federal buildings



BENEFITS TO BUILDING OWNERS

- No Down Payment
- No Personal Guarantee
- Preserve Credit Lines
- Resolves Split Incentive
- Off Balance Sheet Treatment
- Fixed Rate/ Fixed Payment
- Long term: 10-30 years
- Transfers with the property
- Can include soft costs


PROPERTY ASSESSMENT FINANCING

Efficient Financing for Building Efficiency



What is PACE Financing?

PACE is a simple and effective way to finance energy efficiency and renewable energy building improvements. PACE can pay for qualifying improvements for almost any type of property including commercial, retail, industrial, nonprofit, and multi-family.

Property owners across the United States are using PACE because it saves them money and makes their buildings more valuable. PACE provides financing for 100% of an energy project's cost and is repaid for up to 25 years with a voluntary special assessment added to the property's tax bill.

Why PACE Financing?

No Down Payment PACE covers 100% of the hard and soft costs of an energy project eliminating the need for up-front capital.	Fixed Rate / Fixed Payment PACE financing rates and terms are fixed for the life of the PACE loan.
No Personal Guarantee PACE financing is "guaranteed" by the Special Assessment added to the property's tax bill, therefore, no personal or business guarantees are needed.	15-25 Year Term Repayment terms can be extended to match the useful life of the eligible improvement.
Off Balance Sheet Treatment Because PACE financing is solely repaid via a Special Assessment added to the property's tax bill, "off balance sheet treatment" is recommended by some accountants because the repayment "runs with the land" and not the business.	Triple Net Lease Pass-through Because repayment of PACE funding is via a Special Assessment on the property's tax bill and is technically an increase in property taxes, the property owner can seamlessly share the PACE-financed improvement costs (and energy savings) with the tenant under some lease structures such as "triple nets".

PACE Benefits for the Property Owner

No Down Payment	Energy Savings	Energy Savings
No Personal Guarantee	Low Fixed Payment	Low Fixed Payment
Off Balance Sheet Treatment	Extended Term	Triple Net Pass Through
Preserved Credit Lines & Freed Up Capital Budgets	Increased Cash Flow & NOI	ZERO Net Cost to Property Owner

KEY POINTS FOR UNDERWRITING

Retrofit



New Construction & Gut Rehab

- Up to 90% PACE Assessment + Loan
- Prepayment option is available

PACE RETROFIT SUCCESS STORIES



NEYER PROPERTIES: BLUE ASH, OH

Key Points:

- Tenant Pass Through
- 15 Year PACE Assessment



Energy Improvements:

- LED Lighting
- HVAC replacement



KETTERING TOWER: DAYTON, OH

Key Points:

- \$2.1M PACE Project
- \$394k Annual Energy Savings
- \$285k Annual PACE Assessment
- 10 Year PACE Assessment



Energy Improvements:

- LED Lighting system
- Occupancy control
- Real time building automation system



SUMMIT WOODS I&II: SHARONVILLE, OH

Key Points:

- \$250,000 PACE Project
- 10 Year PACE Assessment



Energy Improvements:

- Energy Management Systems:
 - HVAC Controls
- LED Parking Lot Lighting



PACE NEW CONSTRUCTION SUCCESS STORIES



MORELIA GROUP: OAKLEY CONNECTION

Key Points: New Construction

- \$6.8M Total Project Cost
- \$1.3M PACE Project
- \$134,000 Annual PACE Assessment
- 25 Year PACE Assessment



Energy Improvements:

- Building Envelope
 - Roof
 - Windows
 - Doors
 - Insulation



BRANDICORP: KEYSTONE HOTEL

Key Points: New Construction

- \$22M As Completed Appraised Value
- \$1.7M PACE Project
- \$186,000 Annual PACE Assessment
- 30 Year PACE Assessment



Energy Improvements:

- Building Envelope
 - Roof
 - Windows
 - Doors
 - Insulation

120 room limited service Hilton
Garden Inn.



PACE FUNDING PROCESS

- Initial Eligibility Form
- Energy Project Summary
- Lender Consent
- Energy Project Application
- ESID / Local Government Approval
- Funding
- Installation

OHIO PACE Funding Process

- 1. Initial Eligibility Form**
The property owner completes a brief form at OHPACE.org to help PACE determine if the property and potential energy project is eligible for OHIO PACE financing.
- 2. Energy Project Summary Form**
The property owner works with a OHIO PACE registered contractor to identify eligible energy saving improvements and quantify the energy savings. This form is submitted with the Energy Project Application.
- 3. Energy Project Application**
The application allows the property owner to provide essential financial documentation about the property and its operating status. OHIO PACE provides the information to its network of registered capital providers to obtain PACE financing terms for the owner.
NOTE: The property owner must obtain written consent from the existing mortgage holder before a PACE special assessment can be added to the property's tax bill.
- 4. Funding**
The property owner agrees to financing terms and then the PACE special assessment is added to the property's tax bill. After the OHIO PACE financial closing occurs, the funding will be available for the eligible energy saving improvements.
- 5. Installation**
The registered contractor completes the installation of the authorized energy saving improvements. OHIO PACE ensures all improvements are installed to the satisfaction of the property owner.

Submit an Initial Eligibility Form
at OHPACE.org

About OHIO PACE and the City of Cincinnati

OHIO PACE is a program administrator that works with property owners in the city of Cincinnati to secure PACE financing for qualified energy projects. It coordinates efforts with the City of Cincinnati and connects property owners with private PACE capital providers and contractors to ensure the successful funding and installation of energy projects.

CHRIS JONES
Director of PACE Financing
513.562.4822
cjones@ohpace.org



QUESTIONS?

Skylor R. Miller

Local Government Outreach

513.562.4834

smiller@greatercea.org

ECONOMIC DEVELOPMENT UPDATE

COUNCIL-MANAGER BRIEFING
MARCH 11, 2019

AGENDA

- Overview
- 2018 Projects
- Upcoming 2019 Projects

ECONOMIC DEVELOPMENT OVERVIEW

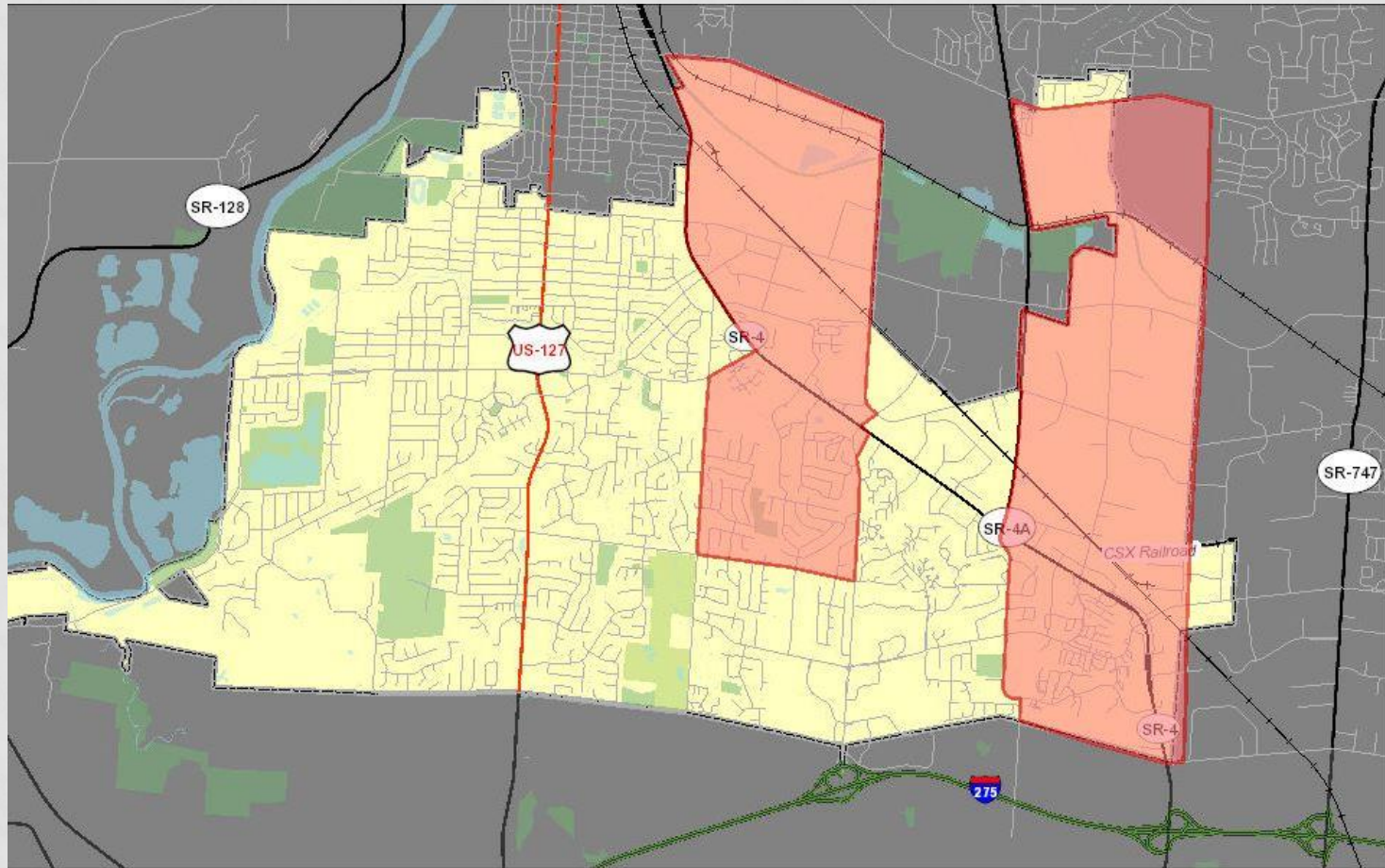
- 2018 was another strong year for economic development in Fairfield
- Healthy blend of:
 - New Development
 - Expansions
 - Redevelopment
- National economy remains strong; business confidence
- Identifying new programs to facilitate development
- Despite positive outlook, local challenges exist



CHALLENGES

- Workforce Development
- Decreasing Amount of Undeveloped Land
 - Expansions and Redevelopments increasingly important
- Aging building stock needing owner investment
 - Forest Fair Mall
 - Reigert Square
 - North Route 4 area
- Questions for consideration:
 - What is appropriate role for City - public activity vs. private activity?
 - What is affordable, while recognizing other City needs and priorities?
 - With limited resources, how are priorities established?

OPPORTUNITY ZONES



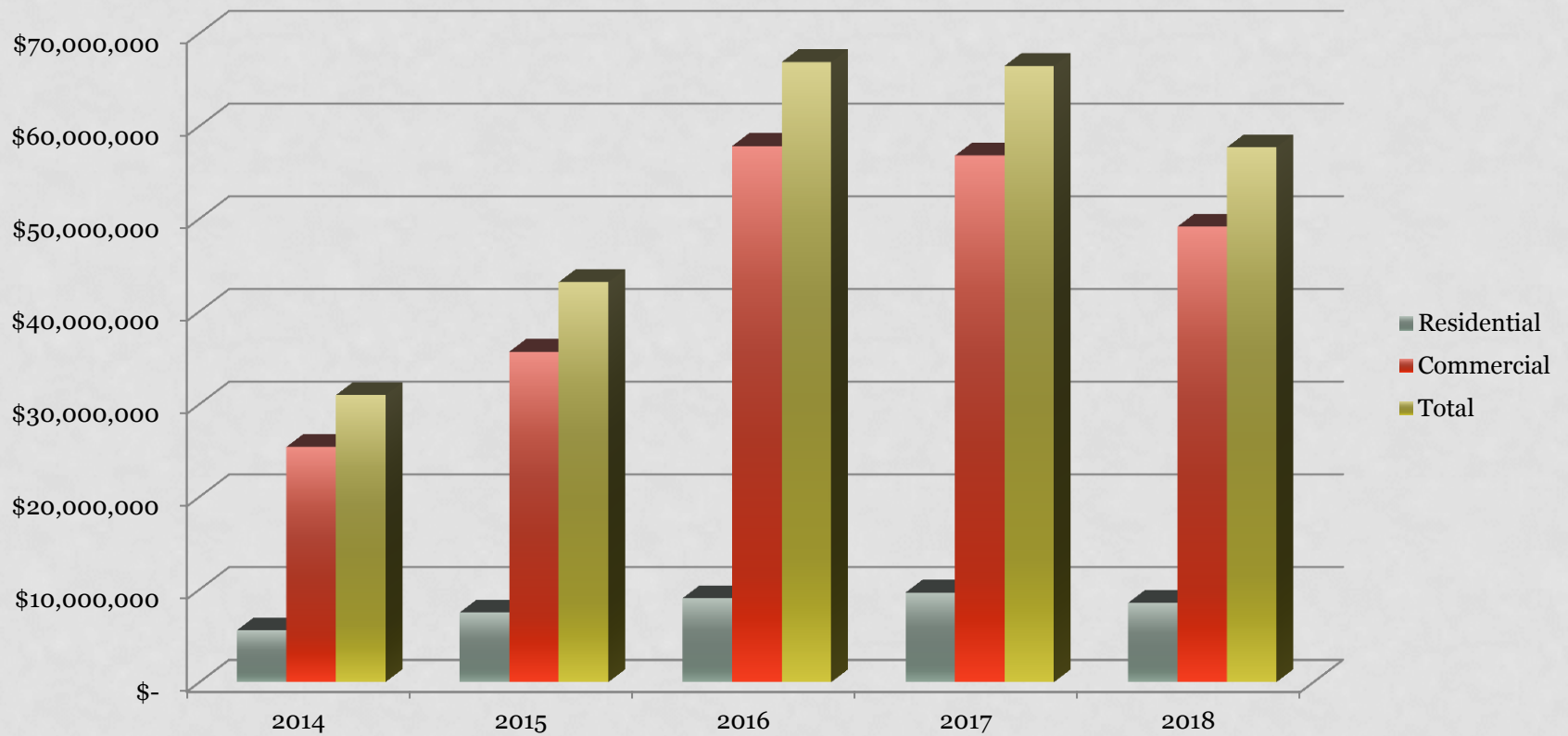
OPPORTUNITY ZONES

- Established in federal 2017 Tax Cuts and Jobs Act
- Enables investors who make equity investments into eligible business property to receive favorable tax treatment on capital gains tax liabilities
- Only 320 designated census tracts in Ohio
- Program rules just recently released
- Plan to inform all existing property owners, as well as prospective investors



BUILDING PERMIT VALUATION 2014-2018

Building Investment



2018 PROJECTS



FAIRFIELD TOWNSHIP JEDD

- Partnership with Fairfield Township & Duke Development
- Potentially includes up to 5 Class A logistics buildings
- Building 1 complete, no tenants
- Project also includes:
 - FEMA approval for flood zone construction
 - OPWC grant for roadway improvements



STANDEX ELECTRONICS

- Custom magnetics and power conversion components
- New \$3.8 million, 60,000 SF facility on Thunderbird Drive is nearly complete
- More than 120 skilled employees relocating from Cincinnati
- Ribbon cutting expected in June 2019



Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

SHIP-PAQ



- Family-owned packaging & shipping supplier
- \$1.7 million investment
- Doubled the size of their facility with a 47,000 SF addition
- More than 20 jobs

BECKNELL INDUSTRIAL



- 176,800 SF Class A spec industrial building on Commerce Center Drive
- \$10 million investment
- No tenants announced yet
- No property tax incentives offered on spec buildings

HOLLAR

- Online discount retailer listed by Wall Street Journal as one of “25 Tech Companies To Watch”
- Relocated its distribution fulfillment center from Los Angeles to Fairfield
- Leased 129,000 SF in the Union Centre Logistics Park
- City worked with REDI Cincinnati on this project



ALDI



- New 22,000 SF grocery opened in January 2019
- New attractive building expected to be a catalyst for future development in northern downtown area

EXPRESS SCRIPTS

- Express Scripts consolidated its two regional facilities into Fairfield
- 300 jobs relocated here, bringing total employment to 750



AA PLUMBING

BEFORE



AFTER



Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

GOCO SHELL

(ROUTE 4 & CRESCENTVILLE)

BEFORE



AFTER



Minutes Acceptance: Minutes of Mar 11, 2019 7:00 PM (Approval of Minutes)

GOCO SHELL

(ROUTE 4 & SYMMES)

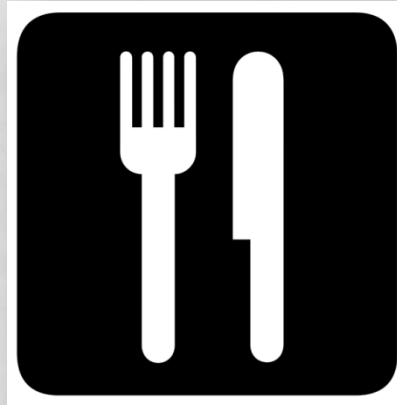
BEFORE



AFTER



RESTAURANTS



Roc's
GRILL & BAR



2019 UPCOMING PROJECTS

FISCHER GROUP



- Growing Fairfield company will invest \$3 million along Bohlke Boulevard
 - 30,000 SF expansion of manufacturing building
 - A new 20,000 SF headquarters office building
- At least 100 new jobs will be created, along with 110 retained jobs
- Future expansions a possibility

ARKU

- Germany-based ARKU will move its U.S. headquarters into a new 26,000 SF office and manufacturing facility at the corner of Seward Road & Union Centre Boulevard
- Growing metal-working company will relocate from leased space in Blue Ash
- At least 25 jobs within 3 years
- The new building has an attractive design for this prominent corner



TOWNPLACE SUITES BY MARRIOTT

- 83-room, 4-story upscale extended stay hotel is under construction near the intersection of Route 4 & Seward Road
- \$11.2 million total investment



CHICK-FIL-A

- New restaurant to be constructed in front of Meijer on South Gilmore Road
- Expected to open in early Fall



TELHIO CREDIT UNION

- Plans have been approved for an expansion and renovation of the Telhio Credit Union, located on Deis Drive in Village Green.



Telhio Credit Union

Fairfield Branch Additions

View 1

K&A ARCHITECTURE, LLC
655 West Street
Cincinnati, Ohio 45203
Tel: (513) 465-5000
Fax: (513) 465-5008



KROGER



- Plans are under review for a \$1.5 million interior renovation of the Kroger in Village Green.
- Work will be phased over several months.



SKYLINE CHILI



- A fire in the mechanical units in the Skyline Chili at Route 4 & Hicks destroyed the restaurant in September 2018
- Plans are currently under review to rebuild. Once approved, construction is expected to take 5 months.

Questions?



City Council Ordinance Regular Meeting - March 25, 2019

Submitted by: Ben Mann,
Submitting Department: Public Works

Subject:

2019 Sidewalk/Apron Replacement Program.

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Prus Construction for the 2019 Sidewalk/Apron Replacement Program.

Recommendation:

The staff recommends that City Council authorize the City Manager to enter into a one (1) year contract with Prus Construction of Cincinnati, Ohio for the 2019 Sidewalk/Apron Replacement at the unit prices indicated. The recommendation to exercise the year 2 and year 3 option are to be determined.

It is further recommended that City Council authorize and direct the preparation of legislation for the appropriation of funding in the amount of \$375,000.00 from the General Fund for the 2019 portion of this project.

Background/Synopsis:

The sidewalk replacement program was implemented to complete inspections of all city sidewalks on a four (4) year rotational basis.

This is an ongoing program that was implemented in 1994 to inspect sidewalks and approach aprons citywide. The program was designed to complete inspections of all city sidewalks on a four (4) year rotating basis. Marking of sidewalks and aprons citywide has been completed for the 2019 program year. There are approximately 995 property locations marked for repair or replacement (33 of these are City responsibility while the other 962 are resident/business owner responsibility). There are approximately 15,775 Square Feet of 4" (sidewalk), 14,750 Square Feet of 7" (driveway aprons) concrete, and 7,800 Square Feet of 9" (commercial driveway aprons) concrete marked for replacement. There are 585 locations currently marked for repair via the cutting method. The cutting method was used for the last several years as part of the sidewalk project and has proved an effective method for limiting damage to the adjacent lawn and inconvenience to the residents while also being a cost saving measure for the property owners.

The property owners are notified by certified mail that they have sixty days to perform the work themselves, seek an independent contractor on their own, or have the city's contractor perform the work. If they choose to use the City contractor, the property owners are required to reimburse the City by either invoice payment or through an assessment on their property taxes collected over a five (5) year period.

A bid opening was held on February 11, 2019 for which five (5) bids were received. The bid results are attached.

The lowest and best bidder is Prus Construction Company of Cincinnati, Ohio.

Financial Impact:

\$375,000.00 (\$344,818.75 for the sidewalk plus a contingency of \$30,181.25) from the General Fund. This project is included in the 2019-2023 CIP as project 9PW16.

Emergency Provision Explanation:

None.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. 2019 Sidewalk and Apron Repair and Replacement Program
2. 2019 Sidewalk Map
3. Prus Construction-Ord

City of Fairfield

Bid Tabulation for "2019 Sidewalk & Apron Repair and Replacement Program"

Bid Opening: February 11, 2019, City of Fairfield Council Chambers

Estimate - \$372,835 1 yr.

Hendy Inc 7968 Wesselman Road Cleves, OH 45002 513-353-4400	R.A. Miller Construction Co 4148 Augspurger Road Hamilton, OH 45011 513-896-5011	Prus Construction 53325 Wooster Rd. Cincinnati, OH 45226 513-321-7774
---	--	---

Description	Bid Unit	Unit Cost Yr 1	Unit Cost Yr 2	Unit Cost Yr 3	Unit Cost Yr 1	Unit Cost Yr 2	Unit Cost Yr 3	Unit Cost Yr 1	Unit Cost Yr 2	Unit Cost Yr 3
Concrete Sidewalks - 4" (approx. 15,775 S.F.)	Surface Sq. Ft.	\$ 8.80	\$ 9.40	\$ 9.90	\$ 9.50	\$ 9.85	\$ 10.50	\$ 8.25	\$ 9.00	\$ 9.75
Concrete Driveway Aprons /Approaches - 7" (approx. 14,750 S.F.)	Surface Sq. Ft.	\$ 11.00	\$ 11.60	\$ 12.10	\$ 10.00	\$ 10.25	\$ 10.85	\$ 8.50	\$ 9.75	\$ 10.50
Concrete Driveway Aprons /Approaches - 9" (approx. 7,800 S.F.)	Surface Sq. Ft.	\$ 12.50	\$ 13.10	\$ 13.70	\$ 10.40	\$ 11.00	\$ 11.50	\$ 9.75	\$ 10.75	\$ 11.75
Curb Ramps (with truncated domes) (approx. 5 each)	Each	\$ 450.00	\$ 500.00	\$ 550.00	\$ 300.00	\$ 350.00	\$ 400.00	\$ 500.00	\$ 550.00	\$ 600.00
Modified Type 6 Curb (Lawn curb) (approx. 50 feet)	Foot	\$ 40.00	\$ 45.00	\$ 47.00	\$ 25.00	\$ 30.00	\$ 35.00	\$ 20.00	\$ 22.00	\$ 24.00
Concrete Curb & Gutter (miscellaneous) (approx. 250 feet)	Foot	\$ 45.00	\$ 50.00	\$ 52.00	\$ 50.00	\$ 52.00	\$ 55.00	\$ 39.00	\$ 42.00	\$ 45.00
Total Base Bid (Yr. 1 Only)		\$414,070.00			\$393,732.50			\$344,818.75		

These bids will be reviewed by the Public Works Department, and a recommendation will be made to Council. There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest bidder.

City of Fairfield**Bid Tabulation for "2019 Sidewalk & Apron Repair****Bid Opening: February 11, 2019, City of Fairfield C****Estimate - \$372,835 1 yr.**

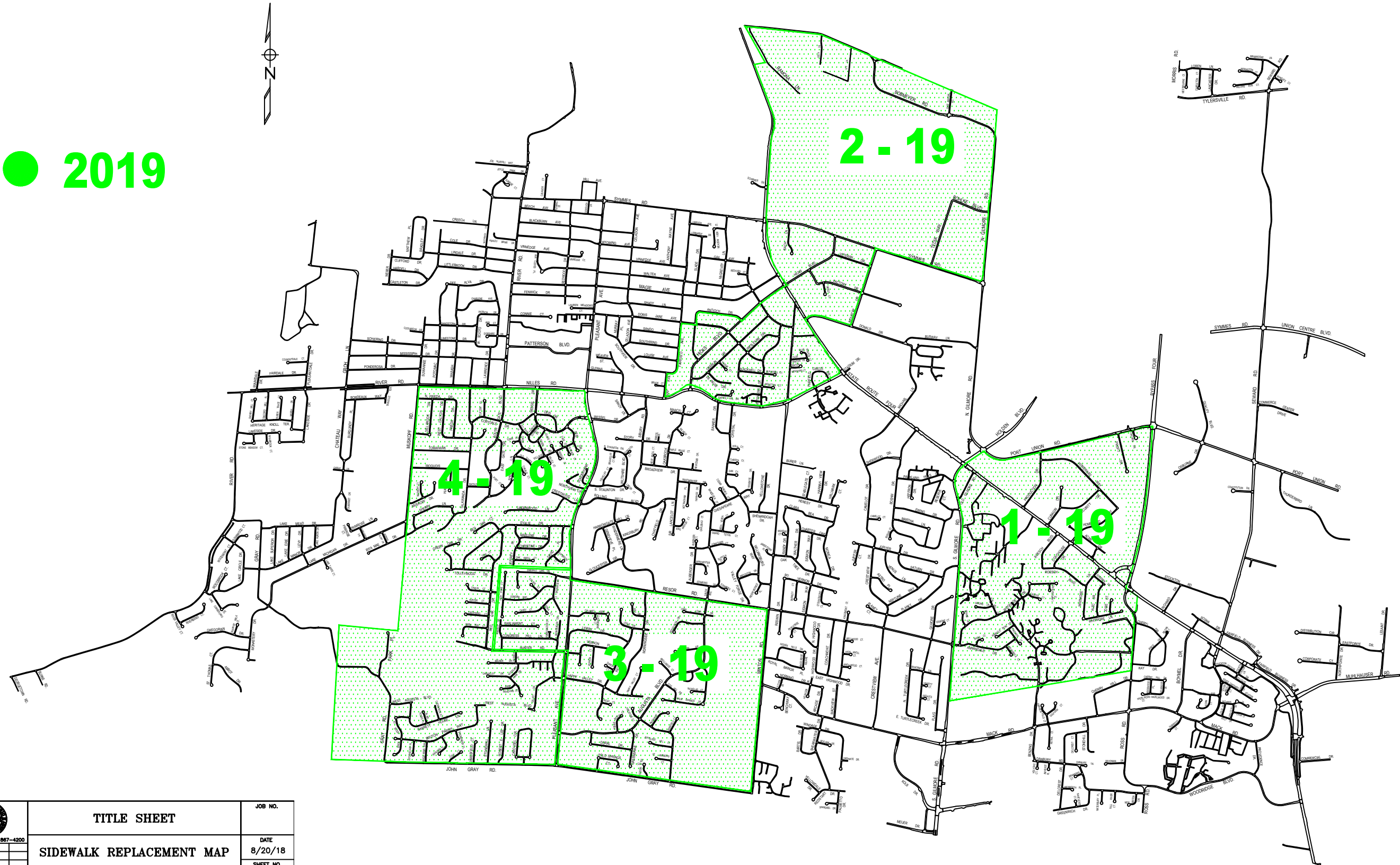
TH Solutions LLC 1361 Gurneyville Rs Wilmington, OH 45177 937-609-4980	Adleta Construction 389 S. Wayne Avenue Cincinnati, OH 45215 513-554-1469
--	---

Description	Bid Unit	Unit Cost Yr 1	Unit Cost Yr 2	Unit Cost Yr 3	Unit Cost Yr 1	Unit Cost Yr 2	Unit Cost Yr 3
Concrete Sidewalks - 4" (approx. 15,775 S.F.)	Surface Sq. Ft.	\$ 11.00	\$ 11.50	\$ 12.00	\$ 11.00	\$ 11.25	\$ 11.50
Concrete Driveway Aprons /Approaches - 7" (approx. 14,750 S.F.)	Surface Sq. Ft.	\$ 12.75	\$ 13.50	\$ 14.00	\$ 11.75	\$ 12.00	\$ 12.25
Concrete Driveway Aprons /Approaches - 9" (approx. 7,800 S.F.)	Surface Sq. Ft.	\$ 15.00	\$ 15.50	\$ 16.00	\$ 15.00	\$ 15.25	\$ 15.50
Curb Ramps (with truncated domes) (approx. 5 each)	Each	\$ 3,000.00	\$ 3,200.00	\$ 3,500.00	\$ 750.00	\$ 750.00	\$ 750.00
Modified Type 6 Curb (Lawn curb) (approx. 50 feet)	Foot	\$ 60.00	\$ 60.00	\$ 65.00	\$ 25.00	\$ 25.00	\$ 25.00
Concrete Curb & Gutter (miscellaneous) (approx. 250 feet)	Foot	\$ 50.00	\$ 50.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00
Total Base Bid (Yr. 1 Only)		\$508,587.50			\$482,587.50		

These bids will be reviewed by the Public Works Department, and a recommendation will be made to Council. There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest bidder.

Sidewalk Replacement Program

● 2019



CITY OF FAIRFIELD 8570 North Gilmore Road • Fairfield, Ohio • (513) 867-4200		TITLE SHEET		JOB NO.
		SIDEWALK REPLACEMENT MAP		DATE 8/20/18
		FAIRFIELD, OHIO		SHEET NO. 1/1
NO.	DATE	REVISIONS		BY
SCALE	DESIGN-LAYOUT	NWC	DRAWN	CHECKED
N.T.S				

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH PRUS CONSTRUCTION FOR THE 2019 SIDEWALK/APRON
REPLACEMENT PROGRAM.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a contract with Prus Construction for the 2019 Sidewalk/Apron Replacement Program in accordance with the bid on file in the office of the City Manager.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Prus Construction-Ord

Attachment: Prus Construction-Ord (1145 : 2019 Sidewalk/Apron Replacement Program.)



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Construction Award for the River and Gray Road Roundabout

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with WG Stang, LLC for the River and Gray Intersection Improvements Project.

Recommendation:

It is recommended that City Council approve legislation for an appropriation of funding for the amounts shown in the Financial Impact.

It is also recommended that City Council direct the preparation of legislation authorizing the City Manager to enter into a contract with WG Stang, LLC for the River and Gray Intersection Improvements Project.

Background/Synopsis:

The roundabout at River Road and Gray Road is being designed as a traffic calming effort designed to allow pedestrian traffic to access Marsh Park with a connection of the future Great Miami River Trail from Marsh Lake to the Dog Park. The roundabout will also be a focal point for the area as the City's park system is upgraded for the Marsh Lake Expansion, GMRT extension, Dog Park construction, etc.

This improvement is being driven by scheduled park improvements at Marsh Lake, the Dog Park, and the Bike Trail between them. Ohio Public Works Commission (OPWC) funding was awarded in 2018.

The Kleingers Group performed the necessary engineering work. Utility relocations are being performed by Duke Energy Gas, Duke Energy Electric, Cincinnati Bell, Spectrum, etc.

The proposed lighting for the roundabout will be installed and maintained by Duke Energy.

Landscaping will include stamped concrete, a variety of plant species, irrigation, decorative stone, etc.

The project is programmed in the current 2019-2023 CIP as 9PW24.

Plans and specifications were advertised for bid on January 25 and February 1. A public bid opening was held on February 11, 2019. Ten (10) bids were received, opened and publicly read.

The lowest and best bidder was WG Stang, LLC of Hamilton, Ohio.

Financial Impact:

Total funding for W.G. Stang is \$580,000.00 (\$513,424.00 plus a contingency of \$66,576.00).

Total funding for Duke Energy is \$80,000.00 (\$71,672.42 plus a contingency of \$8,327.58).

The City received an Ohio Public Works Commission grant for up to 57% of the construction cost. The remaining funding will come from the Street fund. OPWC funding is approximately \$376,200 while local funding is approximately \$283,800.

Emergency Provision Explanation:

None.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. River Road and Gray Road Roundabout Project
2. 2018-08-08 River Rd Roundabout small
3. WG Stang LLC-Ord

City of Fairfield, Ohio Bid Opening - Results

Project(s): River Road & Gray Road Roundabout Project

Project Estimate: \$583,220.00

Date: Monday, February 11, 2019 (City of Fairfield, Council Chambers)

Contractor (Address & Phone)	Base Bid	Addendum (s)	Bid Security	Non- Collusion Affidavit	PP Taxes Affidavit
Barry L. Brown Paving 3210 Homeward Way Fairfield, OH 45014 513-874-1588	\$540,349.50	No	Yes – Bond	Yes	Yes
Ford Development Corp. 11148 Woodward Lane Cincinnati, OH 45241 513-772-1521	\$579,094.75	Yes	Yes – Bond	Yes	No
W.G. Stang LLC 2403 Jacksonburg Road Hamilton, OH 45011 513-863-6924	\$513,424.00	Yes	Yes – Bond	Yes	Yes
R.A. Miller Construction Co. 4148 Augspurgen Road Hamilton, OH 45011 513-896-5011	\$578,175.50	Yes	Yes – Bond	Yes	Yes
Prus Construction 5325 Wooster Road Cincinnati, OH 45226 513-321-7774	\$639,279.20	Yes	Yes – Bond	Yes	Yes

** These bids will be reviewed by the Public Works Department, and a recommendation will be made to Council. There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest bid.

Attachment: River Road and Gray Road Roundabout Project (1147 : Construction Award for the River and

City of Fairfield, Ohio Bid Opening - Results

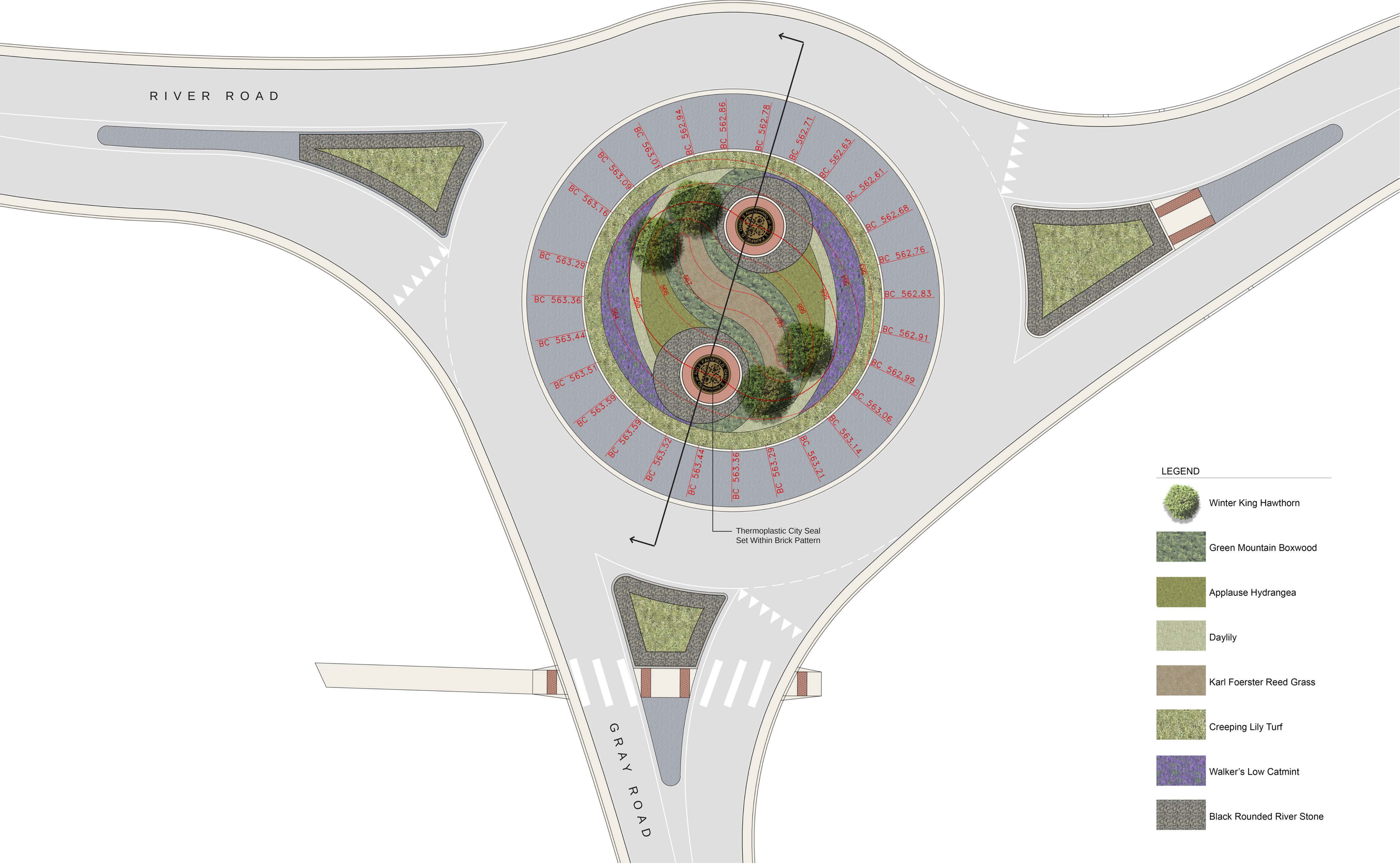
Project(s): River Road & Gray Road Roundabout Project

Project Estimate: \$583,220.00

Date: Monday, February 11, 2019 (City of Fairfield, Council Chambers)

Contractor (Address & Phone)	Base Bid	Addendum (s)	Bid Security	Non- Collusion Affidavit	PP Taxes Affidavit
R.B Jergens Contractors PO Box 309 11418 N Dixie Dr Vandalia, OH 45377 937-669-9799	\$601,594.45	Yes	Yes – Bond	Yes	Yes
Adleta Construction 389 S. Wayne Avenue Cincinnati, OH 45215 513-554-1469	\$615,247.99	Yes	Yes – Bond	Yes	Yes
Barrett Paving Materials Inc 3751 Commerce Drive Franklin, OH 45005 513-422-4662	\$641,589.35	No	Yes – Bond	Yes	Yes
Rack & Ballauer Excavating 11321 Paddy's Run Rd Hamilton, OH 45013 513-738-7000	\$535,901.22	Yes	Yes – Bond	Yes	Yes
Performance Site Development 1342 Spangler Rd Fairborn, OH 45324 937-410-4645	\$637,592.64	No	Yes - Bond	Yes	Yes

** These bids will be reviewed by the Public Works Department, and a recommendation will be made to Council. There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest bid.



DECIDUOUS TREES



WINTER KING HAWTHORN

SHRUBS



GREEN MOUNTAIN BOXWOOD



APPLAUSE HYDRANGEA

PERENNIALS



DAYLILY



WALKER'S LOW CATMINT



LITTLE SPIRE RUSSIAN SAGE



STAMPED CONCRETE

ORNAMENTAL GRASSES



BIG BLUE LILY TURF



KARL FOERSTER REED GRASS



BLACK ROUNDED RIVERSTONE

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH WG STANG, LLC FOR THE RIVER AND GRAY INTERSECTION
IMPROVEMENTS PROJECT.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a contract with WG Stang, LLC for the River and Gray Intersection Improvements Project in accordance with the bid on file in the office of the City Manager.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\WG Stang LLC-Ord

Attachment: WG Stang LLC-Ord (1147 : Construction Award for the River and Gray Road Roundabout)



City Council Information Item Regular Meeting - March 25, 2019

Submitted by: Alisha Wilson, Clerk
Submitting Department: Clerk

Subject:

2019 Boards/Commissions Appointments

Legislation Title:

Simple Motion: Motion to approve the following 2019 Boards/Commissions Appointments effective April 1, 2019: Chad Whitmore – Board of Zoning Appeals (Term expires 3/31/24) Matthew Davidson – Civil Service Commission (Term expires 3/31/22) Kert Radel – Design Review Committee (Term expires 3/31/21) Zachery Ketring – Design Review Committee (Term expires 3/31/21) Don Carpenter – Parks & Recreation Board (Term expires 3/31/22) Paul Assum – Parks & Recreation Board (Term expires 3/31/22) Dean Langevin – Planning Commission (Term expires 3/31/21) Terry Senger – Planning Commission (Term expires 3/31/21) Joan Hume-Cohen – Cultural Arts Advisory Commission (Term expires 3/31/22) Loretia Cadle – Cultural Arts Advisory Commission (Term expires 3/31/22) Tricia Paugstat – Cultural Arts Advisory Commission (Term expires 3/31/22) Anna Barrett – Environmental Commission (Term expires 3/31/22) Phillip Bowling – Environmental Commission (Term expires 3/31/22) Ingrid Anderson – Income Tax Review Board (Term expires 3/31/21) Sharon Bennett – Ward Boundary Review Commission Scott Fowler – Ward Boundary Review Commission

Background/Synopsis: Each year on March 31, positions become available on Fairfield's various boards and commissions due to expiring terms of office. Advertising for the March 31 vacancies began on January 1, 2019 and concluded on February 15, 2019. The members of City Council interviewed applicants on February 23, 2019. The members of the Parks & Recreation Board interviewed applicants on March 19, 2019.

It is recommended that City Council, via simple motion, appoint the following residents to serve on the various boards and commissions **effective April 1, 2019:**

Chad Whitmore – Board of Zoning Appeals (Term expires 3/31/24)
Matthew Davidson – Civil Service Commission (Term expires 3/31/22)
Kert Radel – Design Review Committee (Term expires 3/31/21)
Zachery Ketring – Design Review Committee (Term expires 3/31/21)
Don Carpenter – Parks & Recreation Board (Term expires 3/31/22)
Paul Assum – Parks & Recreation Board (Term expires 3/31/22)
Dean Langevin – Planning Commission (Term expires 3/31/21)
Terry Senger – Planning Commission (Term expires 3/31/21)
Joan Hume-Cohen – Cultural Arts Advisory Commission (Term expires 3/31/22)
Loretia Cadle – Cultural Arts Advisory Commission (Term expires 3/31/22)
Tricia Paugstat – Cultural Arts Advisory Commission (Term expires 3/31/22)
Anna Barrett – Environmental Commission (Term expires 3/31/22)

Phillip Bowling - Environmental Commission (Term expires 3/31/22)
Ingrid Anderson – Income Tax Review Board (Term expires 3/31/21)
Sharon Bennett – Ward Boundary Review Commission
Scott Fowler – Ward Boundary Review Commission



City Council Ordinance Regular Meeting - March 25, 2019

Submitted by: Alex Kraemer,
Submitting Department: Development Services

Subject:

CRA Tax Abatement for Rolled Alloys, Inc.

Legislation Title:

Ordinance to authorize the City Manager to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement, which will provide property tax incentives for Rolled Alloys, Inc. and Hollingsworth Capital Partners - Investments IV, LLC, to include an expansion to its existing facility located at 4085 Thunderbird Lane, and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

Background/Synopsis:

Rolled Alloys, a private company headquartered in Temperance, Michigan is a general service supplier in the metal industry for both heat resistant and corrosion resistant alloys. Over the past 60+ years, the company has enjoyed continuous growth through the expansion of alloys offered, markets served, customer base, geographic growth and acquisitions. Rolled Alloys has 8 U.S. locations as well as locations in Canada, Europe and Asia. The Fairfield location specializes in producing products for the aerospace industry.

The Rolled Alloys facility in Fairfield, located at 4085 Thunderbird Lane, is forecasting continued growth and, should this project proceed, will construct a 45,000 square foot addition to its existing 66,000 square foot manufacturing facility, for a total of 111,000 square feet. Upon completion, this facility will be the second largest Rolled Alloys facility worldwide. The total building investment for the expansion is valued at approximately \$3.5 million in new construction. The company will retain 50 full-time existing jobs and will create at least 10 new full time jobs within three years of the completion of building construction for a total of 60 full-time employees. Anticipated total future payroll is expected to equal approximately \$3,525,000. Hollingsworth Capital Partners – Investments IV, LLC will own the property and Rolled Alloys will lease (for at least 15 years).

Rolled Alloys moved into Fairfield in 2012. The City supported that project with a CRA Agreement that provided a property tax abatement for the original 66,000 square foot facility. This original CRA Agreement has expired and the building is now fully taxable.

Approval of the ordinance would authorize the City Manager to enter into two agreements. The first is a Community Reinvestment Area (CRA) Agreement. The CRA Agreement would provide

a 5-year, 50% property tax incentive on the assessed value of the expansion and newly constructed corporate headquarters facility. The second agreement is a five-party Compensation Agreement. Rolled Alloys has agreed to compensate the Fairfield City School District in an amount of \$11,700 per year and Butler Tech in an amount of \$175 per year for the 5-year term of the agreement. The Fairfield City School District Board of Education approved the agreement at its meeting on March 21, 2019.

Financial Impact:

Rolled Alloys is planning to construct a 45,000 square foot expansion to its manufacturing facility on this that will increase income tax and property tax revenue and create new jobs in the City of Fairfield.

Emergency Provision Explanation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Rolled Alloys_CRA Agreement_Council 3.25.19
2. School Comp Agmnt_Rolled Alloys_3.25.19
3. Rolled Alloys Community Reinvestment Agr-Ord

COMMUNITY REINVESTMENT AREA AGREEMENT

This agreement made and entered into by and between the City of Fairfield, Ohio, an Ohio municipal corporation, with its main offices located at 5350 Pleasant Avenue, Fairfield, Ohio 45014 (hereinafter referred to as “Fairfield”), Hollingsworth Capital Partners – Investments IV, LLC, (hereinafter referred to as “Hollingsworth”) with its main office located at 2 Centre Plaza, Clinton, Tennessee 37716 and Rolled Alloys, Inc., a Delaware corporation, (hereinafter referred to as “Rolled Alloys”) with its main office located at 125 West Sterns Road, Temperance, Michigan 48182.

WITNESSETH;

WHEREAS, Fairfield has encouraged the development of real property and the acquisition of personal property located in the area designated as the “City of Fairfield Community Reinvestment Area”; and

WHEREAS Hollingsworth is desirous of constructing and Rolled Alloys is desirous of expanding its current facility located at 4085 Thunderbird Lane in Fairfield, Ohio. This expansion to the current facility (hereinafter referred to as the “PROJECT”) will consist of a 40,000 square foot addition to the existing 60,000 square feet of warehouse space and a 5,000 square foot addition to the existing 6,000 square feet of office space, for a total of 111,000 square feet, within the boundaries of the City of Fairfield Community Reinvestment Area to begin construction in the Spring of 2019, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Fairfield, Ohio by Ordinance No. 173-95 adopted November 27, 1995, designated the “City of Fairfield Community Reinvestment Area” pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective January 4, 1996, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 173-95 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and certified said area as a Community Reinvestment Area under Chapter 3735; and

WHEREAS, Fairfield, having the appropriate authority to offer development incentives for the above-stated type of project, is desirous of providing Hollingsworth and Rolled Alloys with incentives available for the development of the PROJECT in said City of Fairfield Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Rolled Alloys has submitted a proposed agreement application (herein attached as Exhibit A) to Fairfield, said application is hereinafter referred to as “APPLICATION”; and

WHEREAS, Rolled Alloys has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement; and

WHEREAS, the Development Services Director of Fairfield as Housing Officer has investigated the application of Rolled Alloys and has recommended the same to the City Council of Fairfield on the basis that Hollingsworth and Rolled Alloys is qualified by financial responsibility and business experience to create and preserve employment opportunities in said City of Fairfield Community Reinvestment Area and improve the economic climate of the City of Fairfield; and

WHEREAS, the project site as proposed by Hollingsworth and Rolled Alloys is located in the Fairfield City School District and the Board of Education of the Fairfield City School District has been notified in accordance with Ohio Revised Code Sections 3735.671 and 5709.83 and has been given a copy of the APPLICATION and this AGREEMENT; and

WHEREAS, pursuant to Ohio Revised Code Section 3735.67 (A), and in conformance with the format required under Section 3735.671 (B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Hollingsworth shall construct a 45,000 square foot expansion to its facility located at 4085 Thunderbird Lane for a total square footage of 111,000 square feet that will continue to house the local operation of Rolled Alloys;

Said facility shall be constructed on part of Parcel A0700228000034A as the same is known and designated on the Auditor's revised list of lots in the City of Fairfield, Butler County, Ohio (as shown in the attached Exhibit "B");

The PROJECT will involve an estimated total building investment of Three Million, Five Hundred Thousand Dollars (\$3,500,000.00).

The PROJECT at 4085 Thunderbird Lane will begin on or before May 1, 2019 and all construction and installation shall be completed by June 31, 2020;

2. Rolled Alloys estimates that it will retain 50 existing full time equivalent employees and create the equivalent of 10 new full time equivalent employees within a time period not exceeding thirty-six (36) months after completion of the construction of the PROJECT, and will maintain these employees for the remainder of the term of this AGREEMENT.
3. Rolled Alloys shall provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the Council.

4. Fairfield hereby grants Hollingsworth and Rolled Alloys a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code for the following number of years and percentages:

<u>Years of Tax Exemption</u>	<u>Tax Exemption Amount (Percentage)</u>
5 years	50%

The exemption commences the first year for which the real property improvements would first be taxable were that property not exempted from taxation. No exemption shall extend beyond December 31, 2025 (for tax year 2024).

Hollingsworth and Rolled Alloys must file the appropriate tax forms (DTE 24) with the Butler County Auditor to effect and maintain the exemptions covered in the agreement.

5. Fairfield specifically agrees to waive the fee specified in Ohio Revised Code Section 3735.671 (D).
6. Rolled Alloys, as part of this agreement, and as authorized in Section 3735.671 (A)(2)(c), shall enter into a Community Reinvestment Area Compensation Agreement with the Fairfield City School District and the Butler Technology and Career Development Schools detailing annual cash payments for each year it receives the above mentioned exemption.
7. Hollingsworth and Rolled Alloys shall pay such real and tangible personal property taxes as are not exempted under this agreement and as otherwise are required by law to be paid and are charged against such property and shall file all tax reports and returns as required by law. If Hollingsworth and Rolled Alloys fail to pay such taxes or file such returns and reports, all incentives and exemptions granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
8. Fairfield shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
9. If for any reason Fairfield revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Hollingsworth and Rolled Alloys materially fails to fulfill its obligations under this agreement and Fairfield terminated or modifies the exemptions from taxation pursuant to this agreement.
10. If Hollingsworth and Rolled Alloys materially fails to fulfill their obligations under this agreement or if Fairfield determines that the certification as to delinquent taxes

required by this agreement is fraudulent, Fairfield may terminate or modify the exemptions from taxation granted under this agreement. Fairfield may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.

11. Rolled Alloys hereby certifies that at the time this agreement is executed, they do not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which it is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, Rolled Alloys currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Rolled Alloys. For the purposes of the certification, delinquent taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the revised code governing payment of those taxes.
12. Hollingsworth and Rolled Alloys and Fairfield acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Fairfield, Ohio as a condition for the agreement to take effect. This agreement takes effect upon such approval.
13. Fairfield has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, Hollingsworth and Rolled Alloys is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis or race, religion, disability, color, national origin, or ancestry.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Hollingsworth and Rolled Alloys, any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or any of those sections.
15. This agreement is not transferable or assignable without the express written approval of Fairfield.

IN WITNESS WHEREOF, the City of Fairfield, Ohio, by Mark T. Wendling, its City Manager, and pursuant to Ordinance No. _____ has caused this instrument to be executed this _____ day of _____, 2019, Hollingsworth Capital Partners – Investments IV, LLC by Trey Hollingsworth, its Managing Partner, has caused this instrument to be executed this _____ day of _____, 2019 and Rolled Alloys, Inc. by Jim McConnell, its General Manager, has caused this instrument to be executed this _____ day of _____, 2019.

Witness:

CITY OF FAIRFIELD, OHIO

By _____
Mark T. Wendling, City Manager

HOLLINGSWORTH CAPITAL
PARTNERS – INVESTMENTS IV, LLC

By _____
Trey Hollingsworth, Managing Partner

ROLLED ALLOYS, INC.

By _____
Jim McConnell, General Manager

Approved as to form:

John H. Clemmons
Fairfield City Law Director

Approved as to content:

Greg Kathman
Fairfield Development Services Director

Attachment: Rolled Alloys_CRA Agreement_Council 3.25.19 (1157 : CRA Tax Abatement for Rolled Alloys, Inc.)

Enterprise 2_____
contact person_____
telephone number_____
address

- 2a. Nature of business (manufacturing, distribution, wholesale or other).
Manufacturing: Service provider of processed stainless and nickel alloys
- 2b. List primary 6 digit NAICS # 423510
 Business may list other relevant SIC numbers.
- 2c. If a consolidation, what are the components of the consolidation? (Must itemize the location, assets, and employment positions to be transferred)

- 2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).
Corporation
3. Name of principal owner(s) or officers of the business (attach list if necessary).
Tom Nichol - President, Ken Reinke - Executive VP, David Nault VP-Finance
4. Is business seasonal in nature? Yes ___ No X
- 5a. State the enterprise's current employment level at the proposed project site:
50 full-time employees
- 5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.
 Yes _____ No X
- 5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

- 5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):
50 fulltime & 11 temps
- 5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: N/A
- 5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?
None
- 6a. Has the Enterprise previously entered into a tax incentive agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes X No
- 6b. If yes, list the local legislative authorities, date, and term of the incentives for each tax incentive agreement: City of Fairfield
7. Does the Enterprise owe:
- Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes No X
 - Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes No X
 - Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not. Yes No X
 - If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).
8. Project Description (attach additional pages if necessary):
Addition of 40,000 sq.ft to existing warehouse and 5,000 sq. to existing office space.
Once completed we will have 100,000 sq ft of warehouse space 11,000 sq.ft. of office.
9. Project will begin March 2019 and be completed December 2019 provided a tax exemption is provided.
- 10a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary):
10 Full-time employees

- 10b. State the time frame of this projected hiring: 3 years
- 10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): _____
- 11a. Estimate the amount of annual payroll such new employees will add (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- | | |
|-------------------|-----------------------|
| \$ <u>425,000</u> | Full Time (permanent) |
| \$ _____ | Part Time (temporary) |
| \$ _____ | Permanent |
| \$ _____ | Temporary |
- 11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:
 \$ 3,100,000 (The annual payroll of **existing** Ohio jobs before expansion into a new facility in the City of Fairfield.)
12. Market value of the existing facility as determined for local property taxation.

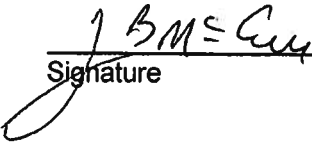
- 13a. Business's total current investment in the facility as of the proposal's submission.
Equipment with a purchase price totaling \$3,900,000

- 13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average dollar value per most recent 12 month period) in which the agreement is entered into (baseline inventory):
 \$ _____
14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- | | |
|--|----------------------------|
| A. Acquisition of Land/Buildings: | \$ _____ |
| B. Additions/New Construction: | \$ <u>3,500,000</u> |
| C. Improvements to existing buildings: | \$ _____ |
| D. Machinery & Equipment: | \$ <u>2,500,000</u> |
| E. Furniture & Fixtures: | \$ _____ |
| F. Inventory: | \$ _____ |
| Total New Project Investment: | \$ <u>6,000,000</u> |
15. Business's reasons for requesting tax incentives (be as quantitatively specific as possible)
Planned expansion is necessary to keep pace with our growing business, thus we want to insure that we make the best financial decision on either expanding the existing facility or searching for a new location. With the additional jobs and taxes that we will bring to the local area we feel the tax abatements should be granted to keep us in our current location.

Submission of this application expressly authorizes the City of Fairfield of Butler County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Rolled Alloys, Inc.	2/27/19
_____ Name of Enterprise	_____ Date
 _____ Signature	_____ Jim McConnell, General Manager Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to final CRA Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

Exhibit B: 4085 Thunderbird Lane



Attachment: Rolled Alloys_CRA Agreement_Council 3.25.19 (1157 : CRA Tax Abatement for Rolled Alloys, Inc.)

COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT

This agreement between the City of Fairfield, a municipal corporation with its principal office at 5350 Pleasant Avenue, Fairfield, Ohio 45014 (hereinafter “City”), the Fairfield City School District Board of Education, a public school district with its principal offices at 4641 Bach Lane, Fairfield, Ohio 45014 (hereinafter “Schools”), Butler Technology and Career Development Schools, a public joint vocational school district with its principal offices at 3603 Hamilton Middletown Road, Hamilton, Ohio 45011 (hereinafter “Butler Tech”), Hollingsworth Capital Partners – Investments IV, LLC, (hereinafter referred to as “Hollingsworth”) with its main office located at 2 Centre Plaza, Clinton, Tennessee 37716 and Rolled Alloys, Inc., (hereinafter “Rolled Alloys”) a Delaware corporation, with its main office located at 125 West Sterns Road, Temperance, Michigan 48182, specifies the manner and procedure to be used pursuant to Ohio Revised Code (ORC) Section 5709.82 authorizing general compensation relating to Rolled Alloy’s Community Reinvestment Area project.

Whereas, the Ohio Community Reinvestment Area Program, pursuant to ORC Section 3735.66 authorizes municipalities to grant real property tax exemptions on eligible new investments; and

Whereas, the City of Fairfield, by Ordinance No. 173-95 adopted November 27, 1995 designated an area within the municipality as a Community Reinvestment Area;

Whereas, effective January 4, 1996, the Director of the Ohio Department of Development determined the area designated by the municipality contains the characteristics set forth in Section 3735.66 of the ORC and certified the area as a Community Reinvestment Area;

Whereas, City provided Schools and Butler Tech notice of the project prior to formal action as required within ORC section 3735.671 (A) (1) or 5709.83, and the Schools approved the exemption pursuant to Resolution No. _____ adopted on March 21, 2019;

Whereas, City has elected, pursuant to Ordinance No. _____ adopted on March 25, 2018, to grant a tax exemption to Rolled Alloys and enter into a formal Community Reinvestment Area Agreement; and

Whereas, City, Schools, Butler Tech and the Private Parties pursuant to ORC section 5709.82 elect to enter into a Compensation Agreement concerning the benefits relating to the aforementioned project.

Now Therefore, in consideration of the foregoing and of the mutual promises, covenants and agreements hereinafter set forth, City, Schools, Butler Tech and the Private Parties agree as follows:

Section 1. Schools Compensation. Rolled Alloys shall make an annual cash payment in the amount of Eleven Thousand Seven Hundred Dollars (\$11,700), or a lesser amount as mutually agreed upon by the Schools and Rolled Alloys, to Schools by January 31 of each calendar year subsequent to an exemption year in which the business received a real property tax benefit.

Section 2. Butler Tech Compensation. Rolled Alloys shall make an annual cash payment in the amount of One Hundred Seventy-Five Dollars (\$175) to Butler Tech by January 31 of each calendar year subsequent to an exemption year in which the business received a real property tax benefit.

Section 3. Waiver of Notice Provision. Schools and Butler Tech hereby waive any notice or approval provisions pursuant to ORC 3735.671 (A) (1) or 5709.83.

Section 4. Amendments. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes. Should the State of Ohio significantly alter the manner in which funding is provided to local and joint vocational school districts, then all parties agree to reconsider the terms of this agreement for possible amendment.

Section 5. Entire Agreement. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this agreement.

Section 6. Notices. All payments, certificates, reports and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

City:	City Manager 5350 Pleasant Avenue, Fairfield, Ohio 45014
Schools:	Treasurer 4641 Bach Lane, Fairfield, Ohio 45014
Butler Tech:	Chief Financial Officer 3603 Hamilton Middletown Road, Hamilton, Ohio 45011
Hollingsworth:	Managing Partner 2 Centre Plaza, Clinton, Tennessee 37716
Rolled Alloys:	General Manager 4085 Thunderbird Lane, Fairfield, Ohio 45014

Any party may change its contact or address for receiving notices and reports by giving written notice of such change to the other parties.

Section 7. Severability of Provisions. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness thereof, the City of Fairfield by Mark T. Wendling, its City Manager, and pursuant to Ordinance No. _____, has caused this instrument to be executed this _____ day of _____, 2019, the Fairfield City School District Board of Education by Nancy Lane, its Treasurer, has caused this instrument to be executed this _____ day of _____, 2019, the Butler Technology and Career Development School Board of Education by Paul Carpenter, its Chief Financial Officer, has caused this instrument to be executed this _____ day of _____, 2019, Hollingsworth Capital Partners – Investments IV, LLC by Trey Hollingsworth, its Managing Partner, has caused this instrument to be executed this _____ day of _____, 2019 and Rolled Alloys, Inc. by Jim McConnell, its General Manager, has caused this instrument to be executed this _____ day of _____, 2019.

Witness:

FAIRFIELD CITY SCHOOL DISTRICT
BOARD OF EDUCATION

By _____
Nancy Lane, Treasurer

HOLLINGSWORTH CAPITAL
PARTNERS – INVESTMENTS IV, LLC

By _____
Trey Hollingsworth, Managing Partner

ROLLED ALLOYS, INC.

By _____
Jim McConnell, General Manager

BUTLER TECHNOLOGY AND CAREER
DEVELOPMENT BOARD OF
EDUCATION

By _____
Paul Carpenter, Chief Financial Officer

CITY OF FAIRFIELD

By _____
Mark T. Wendling, City Manager

Approved as to content:

Greg Kathman
Fairfield Director of Development Services

Approved as to form:

John H. Clemmons
City of Fairfield Law Director

Attachment: School Comp Agmt_Rolled Alloys_3.25.19 (1157 : CRA Tax Abatement for Rolled Alloys, Inc.)

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COMMUNITY REINVESTMENT AREA AGREEMENT AND A COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT WHICH WILL PROVIDE PROPERTY TAX INCENTIVES FOR ROLLED ALLOYS, INC. AND HOLLINGSWORTH CAPITAL PARTNERS-INVESTMENTS IV, LLC TO INCLUDE AN EXPANSION TO ITS EXISTING FACILITY LOCATED AT 4085 THUNDERBIRD LANE AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement which will provide property tax incentives for Rolled Alloys, Inc. and Hollingsworth Capital Partners-Investments IV, LLC, to include an expansion to its existing facility located at 4085 Thunderbird Lane in accordance with the agreements on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the project be authorized to proceed and create additional employment as soon as possible; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____	_____
		Mayor's Approval	
Posted	_____		
First Reading	_____	Rules Suspended	_____
Second Reading	_____	Emergency	_____
Third Reading	_____		

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Tiphany Howard,
 Submitting Department: Parks

Subject:

Theatrical Dimming Equipment

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Vincent Lighting Systems for Theatrical Dimming Equipment replacement for the Community Arts Center and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the City Manager to enter a contract with Vincent Lighting Systems and appropriate project funding in the amount of \$88,600.00 for the Theatrical Dimming Equipment Replacement for the Community Arts Center. Rules suspension is being requested in order to expedite the project. Phase two of the lighting replacement is programmed in the 2019 CIP as 9PR01.

BACKGROUND/SYNOPSIS: The appropriation of funds for the purchase and installation of theatrical dimming equipment for the Community Arts Center is phase two of a system upgrade that began in June of 2018. A suspension of rules and emergency provision is being requested without competitive bidding in order to complete the work as soon as possible due to the present dimming equipment being inadequate for continued use. Its failure would cause the theater to be unusable with loss of revenue from scheduled events. It is appropriate to note that phase one of the original work was completed by the same contractor, Vincent Lighting System. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the theater be maintained in operable condition for scheduled events; wherefore, this ordinance shall take effect immediately upon its passage.

RECOMMENDATION: It is recommended that City Council authorize the City Manager to enter a contract with Vincent Lighting Systems and appropriate project funding in the amount of \$88,600.00 for the Theatrical Dimming Equipment Replacement for the Community Arts Center. Rules suspension is being requested in order to expedite the project. Phase two of the lighting replacement is programmed in the 2019 CIP as 9PR01.

FINANCIAL IMPACT: An appropriation of \$88,600 will be needed to address the replacement and project completion.

EMERGENCY PROVISION EXPLANATION:

In order to complete the replacement prior to the malfunction of the current system, a suspension of rules and emergency provision is being requested.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Dimming Equipment Quote - Vincent Lighting Systems
2. Vincent Lighting System-Ord



January 31, 2019

Jason Hauslein
Fairfield Community Arts Center
411 Wessel Drive
Fairfield, OH 45014

Jason,

Quote # 013019-01AH-R0

We propose to furnish theatrical dimming equipment for the Fairfield Community Arts Center in accordance with the attached Bill of Materials for the price shown below. All shipments are FOB factory, ground freight allowed to the job site. This quote is valid for purchase within 30 days. This quote does not include any applicable sales, or use tax. Terms are for this purchase are NET30 on approved accounts.

NET PRICE: \$ 88,600.00

Installation is not included and would best be performed by an electrical contractor whose work is familiar to your project. We will, of course, assist the installing contractor by providing appropriate detailed drawings and information to ensure a trouble free installation.

Please take a moment to review the Vincent Lighting Systems' Terms and Conditions, located at the end of the attached Bill of Materials. This section contains important information on project drawings, lead times, commissioning of your new system, and system warranty.

When placing your order for this system, please reference the quote number listed above. All orders are subject to the Vincent Lighting Systems Terms and Conditions, and shall be "As per the Vincent Lighting Systems Bill of Materials."

Thank you for the opportunity to provide a quotation on your project. We hope our proposal meets with your approval. Feel free to contact me if I can answer any questions regarding this proposal.

Regards,

Adam Hayward
Project Sales
(859) 488-4913
ahayward@vls.com

Attachment: Dimming Equipment Quote - Vincent Lighting Systems (1159 : Theatrical Dimming Equipment)

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VINCENT LIGHTING SYSTEMS FOR THEATRICAL DIMMING EQUIPMENT REPLACEMENT FOR THE COMMUNITY ARTS CENTER AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a contract with Vincent Lighting Systems for theatrical dimming equipment replacement for the Community Arts Center in accordance with the proposal on file in the office of the City Manager. This agreement is authorized as an emergency without competitive bidding due to the immediate need to replace the existing equipment and maintain the theater in operable condition at all times for scheduled events.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the replacement be completed prior to the malfunction of the current system; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Vincent Lighting System-Ord

Attachment: Vincent Lighting System-Ord (1159 : Theatrical Dimming Equipment)



City Council Resolution
Regular Meeting - March 25, 2019

Submitted by: Scott Timmer,
 Submitting Department: Finance

Subject:

Credit Card Account Compliance Officer

Legislation Title:

Resolution appointing Kristina Mayes, Income Tax Administrator and her successors as the Compliance Officer for the City of Fairfield Credit Card Accounts and declaring an emergency.

Recommendation:

Staff recommends appointment of the Income Tax Administrator as the Compliance Officer for the City of Fairfield Credit Card Accounts.

Background/Synopsis:

Per House Bill Number 312 of the 132nd Ohio House of Representatives General Assembly, if the political subdivision's fiscal officer does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the legislative authority shall appoint a compliance officer to perform the duties enumerated under division (D) of this bill.

Section D states: “(D) The compliance officer, if applicable, and the legislative authority at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

Financial Impact:

N/A

Emergency Provision Explanation:

N/A

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. HB_312_05_EN
2. Income Tax Administrator-Res

(132nd General Assembly)
(Substitute House Bill Number 312)

AN ACT

To amend sections 117.09, 117.103, 117.38, 118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 and to enact sections 9.21, 9.22, 717.31, 3313.311, 3314.52, 3326.52, 3328.52, and 6119.60 of the Revised Code to regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 117.09, 117.103, 117.38, 118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 be amended and sections 9.21, 9.22, 717.31, 3313.311, 3314.52, 3326.52, 3328.52, and 6119.60 of the Revised Code be enacted to read as follows:

Sec. 9.21. (A) Not later than three months after the effective date of this section, the legislative authority of a political subdivision that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a legislative authority shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use a credit card account;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The political subdivision's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the political subdivision shall appear on each presentation instrument related to the account including cards and checks.

(C) If the political subdivision's fiscal officer does not retain general possession and control

of the credit card account and presentation instruments related to the account including cards and checks, the legislative authority shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The fiscal officer is not eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the legislative authority at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the legislative authority authorizes an officer or employee to use a credit card account, the fiscal officer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the political subdivision to reimburse the treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the legislative authority constitutes misuse of a credit card account. An officer or employee of the political subdivision or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the legislative authority violates section 2913.21 of the Revised Code.

(G) The fiscal officer or the fiscal officer's designee annually shall file a report with the legislative authority detailing all rewards received based on the use of the political subdivision's credit card account.

(H) As used in this section:

"Credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

"Political subdivision" means any body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. "Political subdivision" does not include a county.

Sec. 9.22. As used in this section, "political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

No political subdivision may hold or utilize a debit card account, except for law enforcement purposes. Possession or use of a debit card account by a political subdivision except for law enforcement purposes is a violation of section 2913.21 of the Revised Code.

This section does not apply to debit card accounts related to the receipt of grant moneys.

Sec. 117.09. By virtue of his ~~the~~ office, the auditor of state shall be the chief inspector and

supervisor of public offices and may appoint not more than ~~three~~six deputy inspectors and supervisors and a clerk. Not more than ~~two~~three deputy inspectors and supervisors shall belong to the same political party.

The auditor of state shall appoint such state examiners as are necessary, who shall be known as assistant auditors of state, and such additional employees as ~~he~~ the auditor of state requires. No person shall be appointed an assistant auditor of state unless ~~he~~ the person holds a baccalaureate degree from an accredited college or university, or has successfully completed at least sixteen semester hours or the equivalent in accounting or a related field from an accredited college or university or an accredited trade, technical, or vocational school beyond the high school level, or possesses at least three years' experience in accounting or a related field.

Any employee called upon to testify in any legal proceedings in regard to any official matter is entitled to compensation and expenses provided in this section. Each employee shall be reimbursed for travel, including meals, hotels, and other actual and necessary expenses when traveling on official business, under order of the auditor of state, away from ~~his~~ the employee's headquarters or ~~the~~ place of ~~his~~ principal assignment, in the manner and at the same rates as are provided by the rules of the director of budget and management governing travel.

The auditor of state may employ experts or assistants necessary to disclose the facts concerning any matter and fix their compensation.

Sec. 117.103. (A)(1) The auditor of state shall establish and maintain a system for the reporting of fraud, including misuse and misappropriation of public money, by any public office or public official. The system shall allow Ohio residents and the employees of any public office to make anonymous complaints through a toll-free telephone number, the auditor of state's web site, or the United States mail to the auditor of state's office. The auditor of state shall review all complaints in a timely manner.

~~The (2)(a)~~ Subject to division (A)(2)(b) of this section, the auditor of state shall keep a log of all complaints filed under this section, which is a public record under section 149.43 of the Revised Code. The log shall include the date the complaint was received, a general description of the nature of the complaint, the name of the public office or agency with regard to which the complaint is directed, and a general description of the status of the review by the auditor of state. If section 149.43 of the Revised Code or another statute provides for an applicable exemption from the definition of public record for the information recorded on the log, that information may be redacted.

(b) The auditor shall not log a complaint regarding an ongoing criminal investigation, but shall log the complaint not later than thirty days after the investigation is complete.

(B)(1) A public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office. Each new employee shall confirm receipt of this information within thirty days after beginning employment. The auditor of state shall provide a model form on the auditor of state's web site to be printed and used by new public employees to sign and verify their receipt of information as required by this section. The auditor of state shall confirm, when conducting an audit under section 117.11 of the Revised Code, that new employees have been provided information as required by this division.

~~(2) On the effective date of this section~~ May 4, 2012, each public office shall make all its employees aware of the fraud-reporting system required by this section.

(3) Divisions (B)(1) and (2) of this section are satisfied if a public office provides information about the fraud-reporting system and the means of reporting fraud in the employee handbook or manual for the public office. An employee shall sign and verify the employee's receipt of such a handbook or manual.

Sec. 117.38. (A) Each public office, other than a state agency, shall file a financial report for each fiscal year. The auditor of state may prescribe forms by rule or may issue guidelines, or both, for such reports. If the auditor of state has not prescribed a rule regarding the form for the report, the public office shall submit its report on the form utilized by the public office.

(B) The report shall be certified by the proper officer or board and filed with the auditor of state within sixty days after the close of the fiscal year, except that public offices reporting pursuant to generally accepted accounting principles shall file their reports within one hundred fifty days after the close of the fiscal year. The auditor of state may extend the deadline for filing a financial report and establish terms and conditions for any such extension. At the time the report is filed with the auditor of state, the chief fiscal officer, except as otherwise provided in section 319.11 of the Revised Code, shall publish notice in a newspaper published in the political subdivision or taxing district, and if there is no such newspaper, then in a newspaper of general circulation in the political subdivision or taxing district. The notice shall state that the financial report has been completed by the public office and is available for public inspection at the office of the chief fiscal officer.

(C) The report shall contain the following:

(A) ~~(1)~~ Amount of collections and receipts, and accounts due from each source;

(B) ~~(2)~~ Amount of expenditures for each purpose;

(C) ~~(3)~~ Income of each public service industry owned or operated by a municipal corporation, and the cost of such ownership or operation;

(D) ~~(4)~~ Amount of public debt of each taxing district, the purpose for which each item of such debt was created, and the provision made for the payment thereof. ~~The substance of the report shall be published at the expense of the state in an annual volume of statistics, which shall be submitted to the governor. The auditor of state shall transmit the report to the general assembly at its next session.~~

(D) Any public office, other than a state agency, that does not file its financial report at the time required by this section shall pay to the auditor of state twenty-five dollars for each day the report remains unfiled after the filing date; provided, that the penalty payments shall not exceed the sum of seven hundred fifty dollars. The auditor of state may waive all or any part of the penalty assessed under this section upon the filing of the past due financial report. All sums collected from such penalties shall be placed in the public audit expense fund--local government. If the auditor of state fails to receive payment for penalties not paid within one year from the required filing date, the auditor may recover the penalties through the process in division (D) of section 117.13 of the Revised Code.

(E) Every county agency, board, or commission shall provide to the county auditor, not later than the first day of March each year unless a later date is authorized by the county auditor, all information determined by the county auditor to be necessary for the preparation of the report required by this section.

(F) The auditor of state shall publish the substance of the report submitted under this section

in an electronic format that is available to the public.

Sec. 118.05. (A) Pursuant to the powers of the general assembly and for the purposes of this chapter, upon the occurrence of a fiscal emergency in any municipal corporation, county, or township, as determined pursuant to section 118.04 of the Revised Code, there is established, with respect to that municipal corporation, county, or township, a body both corporate and politic constituting an agency and instrumentality of the state and performing essential governmental functions of the state to be known as the "financial planning and supervision commission for (name of municipal corporation, county, or township)," which, in that name, may exercise all authority vested in such a commission by this chapter. Except as otherwise provided in division (L) of this section, a separate commission is established with respect to each municipal corporation, county, or township as to which there is a fiscal emergency as determined under this chapter.

(B) A commission shall consist of the following voting members:

(1) Four ex officio members: the treasurer of state; the director of budget and management; in the case of a municipal corporation, the mayor of the municipal corporation and the presiding officer of the legislative authority of the municipal corporation; in the case of a county, a member of the board of county commissioners and the county auditor; in the case of a county that has adopted a charter under Article X, Ohio Constitution, and under that charter has both a county executive and a county fiscal officer, the county executive and the county fiscal officer; and in the case of a township, a member of the board of township trustees and the county auditor.

The treasurer of state may designate a deputy treasurer or director within the office of the treasurer of state or any other appropriate person who is not an employee of the treasurer of state's office; the director of budget and management may designate an individual within the office of budget and management or any other appropriate person who is not an employee of the office of budget and management; the presiding officer of the legislative authority of the municipal corporation may designate any other member of the legislative authority; the board of county commissioners may designate any other member of the board or the fiscal officer of the county; the fiscal officer of a county that has adopted a charter under Article X, Ohio Constitution, may designate an individual within the county fiscal office; the county auditor may designate an individual within the county auditor's office; and the board of township trustees may designate any other member of the board or the fiscal officer of the township to attend the meetings of the commission when the ex officio member is absent or unable for any reason to attend. A designee, when present, shall be counted in determining whether a quorum is present at any meeting of the commission and may vote and participate in all proceedings and actions of the commission. The designations shall be in writing, executed by the ex officio member or entity making the designation, and filed with the secretary of the commission. The designations may be changed from time to time in like manner, but due regard shall be given to the need for continuity.

(2) If a municipal corporation, county, or township has a population of at least one thousand, three additional members appointed not later than fifteen days after the auditor of state determines that a fiscal emergency exists as follows:

For a municipal corporation, the governor shall appoint one member; the mayor shall appoint one member confirmed by the legislative authority of the municipal corporation; and the county

auditor of the county in which the largest portion of the territory of the municipal corporation is located shall appoint one member. The county auditor may appoint the county auditor to the commission.

For a county, the governor shall appoint one member and the board of county commissioners shall appoint two members. In the case of a county that has adopted a charter under Article X, Ohio Constitution, and under that charter has both a county executive and a county council, the governor shall appoint one member, the county executive shall appoint one member, and the county council shall appoint one member. A member of the board of county commissioners, a county executive, or a member of the county council is ineligible for appointment to the commission under this paragraph.

For a township, the governor shall appoint one member and the board of township trustees shall appoint two members. A member of the board of township trustees is ineligible for appointment to the commission under this paragraph.

Each of the three appointed members shall serve during the life of the commission, subject to removal by the appointing authority for misfeasance, nonfeasance, or malfeasance in office. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of an appointed member, the appointing authority that appointed the member shall appoint a successor, except as otherwise provided in division (M) of this section.

Each appointed member shall be an individual:

Who has knowledge and experience in financial matters, financial management, or business organization or operations;

Whose residency, office, or principal place of professional or business activity is situated within the municipal corporation, county, or township, except that a county auditor who serves on the commission of a municipal corporation is not required to reside or have an office or principal place of professional or business activity in the municipal corporation;

Who shall not become a candidate for elected public office while serving as a member of the commission, except a county auditor who serves on the commission of a municipal corporation may be a candidate for reelection to the county auditor's office.

(C) Immediately after appointment of the initial appointed members of the commission, the governor shall call the first meeting of the commission and shall cause written notice of the time, date, and place of the first meeting to be given to each member of the commission at least forty-eight hours in advance of the meeting.

(D) The director of budget and management shall serve as chairperson of the commission. The commission shall elect one of its members to serve as vice-chairperson and may appoint a secretary and any other officers, who need not be members of the commission, it considers necessary. The chairperson may remove an appointed member if that member fails to attend three meetings. In that event, the appointing authority shall fill the vacancy in the same manner as the original appointment, except as otherwise provided in division (M) of this section.

(E) The commission may adopt and alter bylaws and rules, which shall not be subject to section 111.15 or Chapter 119. of the Revised Code, for the conduct of its affairs and for the manner, subject to this chapter, in which its powers and functions shall be exercised and embodied.

(F) Four members of a commission established pursuant to divisions (B)(1) and (2) of this section constitute a quorum of the commission. The affirmative vote of a majority of the members of

the commission is necessary for any action taken by vote of the commission. No vacancy in the membership of the commission shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the commission. Members of the commission, and their designees, are not disqualified from voting by reason of the functions of the other office they hold and are not disqualified from exercising the functions of the other office with respect to the municipal corporation, county, or township, its officers, or the commission.

(G) The auditor of state shall serve as the "financial supervisor" to the commission unless the auditor of state elects to contract for that service. As used in this chapter, "financial supervisor" means the auditor of state.

(H) At the request of the commission, the auditor of state shall designate employees of the auditor of state's office to assist the commission and the financial supervisor and to coordinate the work of the auditor of state's office and the financial supervisor. Upon the determination of a fiscal emergency in any municipal corporation, county, or township, the municipal corporation, county, or township shall provide the commission with such reasonable office space in the principal building housing city, county, or township government, where feasible, as it determines is necessary to carry out its duties under this chapter.

(I) The financial supervisor, the members of the commission, the auditor of state, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this chapter, but the commission, the financial supervisor, the auditor of state, and those other persons shall be subject to mandamus proceedings to compel performance of their duties under this chapter and with respect to any debt obligations issued pursuant or subject to this chapter.

(J) At the request of the commission, the administrative head of any state agency shall temporarily assign personnel skilled in accounting and budgeting procedures to assist the commission or the financial supervisor in its duties as financial supervisor.

(K) The appointed members of the commission who are members of the board of township trustees or are not elected officials are not subject to section 102.02 of the Revised Code. Each appointed member of the commission shall file with the commission a signed written statement setting forth the general nature of sales of goods, property, or services or of loans to the municipal corporation, county, or township with respect to which that commission is established, in which the appointed member has a pecuniary interest or in which any member of the appointed member's immediate family, as defined in section 102.01 of the Revised Code, or any corporation, partnership, or enterprise of which the appointed member is an officer, director, or partner, or of which the appointed member or a member of the appointed member's immediate family, as so defined, owns more than a five per cent interest, has a pecuniary interest, and of which sale, loan, or interest such member has knowledge. The statement shall be supplemented from time to time to reflect changes in the general nature of any such sales or loans.

(L) A commission is not established with respect to any village or township with a population of less than one thousand as of the most recent federal decennial census. Upon the occurrence of a fiscal emergency in such a village or township, the auditor of state shall serve as the financial supervisor of the village or township and shall have all the powers and responsibilities of a

commission, including the powers and responsibilities described in section 118.07 of the Revised Code.

(M)(1) Notwithstanding any contrary provision of division (B)(2) or (D) of this section, if one or more appointed seats on a commission that was established before October 17, 2017, are or become vacant, division (M) of this section applies concerning the commission.

(2) In the case of a commission established with respect to a municipal corporation:

(a) If one such vacancy exists on the commission, the county auditor of the county in which the largest portion of the territory of the municipal corporation is located shall appoint a member to fill the vacancy. The county auditor may appoint the county auditor to the commission. Of the two remaining appointed members of the commission, the mayor shall determine, not later than the fifteenth day after the effective date of this amendment or the fifteenth day after the vacancy occurs, whichever is later, which of those members shall be considered the member appointed by the mayor for purposes of divisions (B)(2) and (D) of this section, and the other appointed member shall be considered the member appointed by the governor for purposes of divisions (B)(2) and (D) of this section.

(b) If two such vacancies exist on the commission, the county auditor of the county in which the largest portion of the territory of the municipal corporation is located shall appoint a member to fill one vacancy, and the mayor shall appoint a member confirmed by the legislative authority of the municipal corporation to fill the other vacancy. The county auditor may appoint the county auditor to the commission. The remaining appointed member of the commission shall be considered the member appointed by the governor for purposes of divisions (B)(2) and (D) of this section.

(c) If three such vacancies exist on the commission, the members shall be appointed in accordance with division (B)(2) of this section.

(3) In the case of a commission established with respect to a township:

(a) If one such vacancy exists on the commission, the board of township trustees shall appoint a member to fill the vacancy, who shall not be a member of the board of township trustees. Of the two remaining appointed members of the commission, the board of township trustees shall determine, not later than the fifteenth day after the effective date of this amendment or the fifteenth day after the vacancy occurs, whichever is later, which of those members shall be considered the member appointed by the board of township trustees for purposes of divisions (B)(2) and (D) of this section, and the other appointed member shall be considered the member appointed by the governor for purposes of divisions (B)(2) and (D) of this section.

(b) If two such vacancies exist on the commission, the board of township trustees shall appoint two members to fill the vacancies, who shall not be members of the board of township trustees. The remaining appointed member of the commission shall be considered the member appointed by the governor for purposes of divisions (B)(2) and (D) of this section.

(c) If three such vacancies exist on the commission, the members shall be appointed in accordance with division (B)(2) of this section.

(4) After one or more vacancies in appointed seats on a commission have been filled under division (M) of this section, any subsequent vacancy or vacancies shall be filled under division (B)(2) or (D) of this section, as applicable.

Sec. 118.07. (A) The financial planning and supervision commission, or when authorized by

the commission, the financial supervisor, shall have the following powers, duties, and functions:

(1) To review all tax budgets, tax levy ordinances, bond and note ordinances or resolutions, appropriation measures of the municipal corporation, county, or township, and certificates of estimated resources to require that such are consistent with the financial plan and a balanced appropriation budget for the current fiscal year, and any supporting information upon which the financial plan and balanced appropriation budget has been developed and based, and to determine whether revenue estimates and estimates of expenditures and appropriations will result in a balanced budget;

(2) To inspect and secure copies of any document, ordinance, resolution, or instrument pertaining to the effective financial accounting and reporting system, debt obligations, debt limits, financial plan, balanced appropriation budgets, appropriation measures, report of audit, statement or invoice, or other worksheet or record of the municipal corporation, county, or township; provided that any attorney-client privilege shall remain inviolate;

(3) To inspect and secure copies of any document, instrument, certification, records of proceedings, or other worksheet or records of the bureau, county budget commission, county auditor, or other official or employee of the municipal corporation, county, or township or other political subdivision, unit, or agency of government of the state;

(4) To review, revise, and approve determinations and certifications affecting the municipal corporation, county, or township made by the county budget commission or county auditor pursuant to Chapter 5705. of the Revised Code to ensure such determinations and certifications are consistent with the laws of the state;

(5) To bring civil actions, including mandamus, to enforce this chapter;

(6) To approve the amount and purpose of any issue of debt obligations;

(7) To authenticate and assist the appropriate officers of the municipal corporation, county, or township in the delivery of debt obligations of the municipal corporation, county, or township;

(8) To consult with the officials of the municipal corporation, county, or township and the auditor of state regarding any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the municipal corporation, county, or township into compliance with requirements prescribed by the auditor of state, and regarding desirable modifications and supplementary systems and procedures pertinent to the municipal corporation, county, or township;

(9) To assist or provide assistance to the municipal corporation, county, or township in the structuring or the terms of, and the placement of sale of, debt obligations of the municipal corporation, county, or township;

(10) To perform all other powers, duties, and functions as provided under this chapter;

(11) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this chapter;

(12) To consult with officials of the municipal corporation, county, or township and make recommendations for cost reductions or revenue increases to achieve balanced budgets and carry out the financial plan.

(B) During the fiscal emergency period, the commission or, when authorized by the commission, the financial supervisor, shall, in addition to other powers:

(1) With respect to the appropriation measure in effect at the commencement of the fiscal emergency period of the municipal corporation, county, or township if such period commenced more than three months prior to the end of the current fiscal year, and otherwise with respect to the appropriation measure for the next fiscal year:

(a) Review and determine the adequacy of all revenues to meet all expenditures for such fiscal year;

(b) Review and determine the extent of any deficiency of revenues to meet such expenditures;

(c) Require the municipal corporation, county, or township to provide justification documents to substantiate, to the extent and in the manner considered necessary, any item of revenue or appropriation;

(d) Not later than sixty days after taking office or after receipt of such appropriation measure for the next fiscal year, report to the municipal corporation, county, or township on such determination.

(2) Require the municipal corporation, county, or township, by ordinance or resolution, to establish monthly levels of expenditures and encumbrances consistent with the financial plan and the commission's or, when authorized by the commission, the financial supervisor's review pursuant to divisions (B)(1)(a) and (1)(b) of this section. The commission or, when authorized by the commission, the financial supervisor, shall approve and monitor the monthly levels of expenditures and encumbrances and require justification documents to substantiate any departure from any approved level.

(C) In making any determination pursuant to division (B) of this section, the commission and the financial supervisor may rely on any information considered in its judgment reliable or material and shall not be restricted by any tax budget or certificate or any other document which the municipal corporation, county, or township may have adopted or received from any other governmental agency.

(D) The municipal corporation, county, state, and township officers or employees thereof, are hereby authorized and directed to assist diligently and promptly the commission and the financial supervisor in the prosecution of their duties, including the furnishing of any materials, including justification documents, required.

(E) Annually on or before the first day of April ~~during the fiscal emergency period~~, the ~~commission director of budget and management, as chairperson of a commission, or the auditor of state, as financial supervisor as provided in division (L) of section 118.05 of the Revised Code~~, shall make reports and recommendations to the speaker of the house of representatives and the president of the senate concerning progress of the municipal corporation, county, or township to eliminate fiscal emergency conditions, failures of the municipal corporation, county, or township to comply with this chapter, and recommendations for further actions to attain the objectives of this chapter, including legislative action to make provisions of law more effective for their purposes, or to enhance revenue raising or financing capabilities of municipal corporations, counties, or townships. The ~~commission director or the auditor of state~~ may make such interim reports as ~~if the director or the auditor of state~~ may determine to be appropriate for such purposes and shall make such additional reports as may be requested by either house of the general assembly.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

- (a) Medical records;
- (b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
- (c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;
- (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;
- (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;
- (f) Records specified in division (A) of section 3107.52 of the Revised Code;
- (g) Trial preparation records;
- (h) Confidential law enforcement investigatory records;
- (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;
- (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
- (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;
- (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;
- (m) Intellectual property records;
- (n) Donor profile records;
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
- (p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;
- (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;
- (r) Information pertaining to the recreational activities of a person under the age of eighteen;
- (s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the

Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;

(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;

(dd) Personal information, as defined in section 149.45 of the Revised Code;

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.

(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia,

except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional

facility employee, youth services employee, firefighter, EMT, an investigator of the bureau of criminal identification and investigation, or federal law enforcement officer, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's employer from the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(9) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(9) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to

permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the

information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the

requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in,

connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public

office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C)(1) of this section, the following apply:

(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to the provisions of division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public

records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section.

(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the

public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

Sec. 505.64. (A) The board of township trustees of any township may authorize an officer, employee, or appointee of the township to use a credit card account held by the board of township trustees ~~to pay for work-related expenses. The debt incurred as a result of the use of a credit card pursuant to this section shall be paid from moneys appropriated by the board of township trustees for~~

such expenses in accordance with this section.

~~(B) The officer, employee, or appointee shall be liable in person and upon any official bond the officer, employee, or appointee has given to the township for the unauthorized use of a credit card held by the board of township trustees. The prosecuting attorney of the county shall recover the amount of any unauthorized expenses incurred by the officer, employee, or appointee by civil action in any court of appropriate jurisdiction. This section does not limit any other liability of an officer, employee, or appointee for unauthorized use of a credit card held by the board of township trustees.~~

~~(C) An officer, employee, or appointee who is authorized to use a credit card held by the board of township trustees and who suspects the loss, theft, or possibility of unauthorized use of the credit card shall notify the board of township trustees of the suspected loss, theft, or possible unauthorized use immediately in writing. The officer, employee, or appointee may be held liable in person and upon any official bond the officer, employee, or appointee has given to the township for up to fifty dollars in unauthorized debt incurred before the board receives such notification.~~

~~(D) Misuse of a credit card held by the board of township trustees by an~~ Not later than three months after the effective date of this amendment, the board of township trustees of any township that holds a credit card account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers, positions, or appointees authorized to use a credit card account;
- (2) The types of expenses of which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The township's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account.

(B) The name of the township shall appear on each presentation instrument related to the account including cards and checks.

(C) If the township fiscal officer does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the following applies:

(1) In a township that has adopted a limited home rule government under Chapter 504. of the Revised Code, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer, employee, or appointee to use a credit card account, except that a board of township trustees serving in the role of compliance officer may use a credit card account if so authorized under the policy and may authorize an officer, employee, or appointee to use a credit card account as provided in division (A) of this section. The fiscal officer is not eligible for appointment

as compliance officer.

(2) In a township that has not adopted a limited home rule government under Chapter 504. of the Revised Code, the fiscal officer monthly shall present to the board credit card account transaction detail from the previous month. The board shall review the credit card account transaction detail and the chairperson of the board shall sign an attestation stating the board reviewed the credit card account transaction detail.

(D) The compliance officer, if applicable, and the board at least once every six months shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer, employee, or appointee to use a credit card, the fiscal officer may use a system to sign out credit cards to the authorized users. The officer, employee, or appointee is liable in person and upon any official bond the officer, employee, or appointee has given to the township to reimburse the township treasury the amount for which the officer, employee, or appointee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer, employee, or appointee of a township is a violation of or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the board violates section 2913.21 of the Revised Code.

(G) The fiscal officer or the fiscal officer's designee annually shall file a report with the board detailing all rewards received based on the use of the township's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 511.234. (A) The Not later than three months after the effective date of this amendment, the board of park commissioners of a township park district may authorize an officer, employee, or appointee of the board to use that holds a credit card held by the board to pay for expenses related to park district business. The debt incurred as a result of the use of a credit card under this section shall be paid from park district funds.

(B) No officer, employee, or appointee of a board of park commissioners who is authorized to use a credit card held by the board shall use it to incur any unauthorized debt against the park district's credit.

(C) Whoever violates division (B) of this section is guilty of one of the following:

(1) A misdemeanor of the first degree if the amount of the unauthorized debt is no more than one hundred fifty dollars;

(2) A felony of the fourth degree if the amount of the unauthorized debt exceeds one hundred fifty dollars.

~~(D) An officer, employee, or appointee, in a civil action, may be found personally liable to the park district for the officer's, employee's, or appointee's unauthorized use of the park district credit card.~~

~~(E) Whenever any officer, employee, or appointee authorized to use a credit card held by the board of park commissioners suspects the loss, theft, or possibility of another person's unauthorized use of the credit card that the officer, employee, or appointee is authorized to use, the officer, employee, or appointee shall so notify the board immediately in writing. The officer, employee, or appointee may be held personally liable for unauthorized debt resulting from the loss, theft, or unauthorized use, in the amount of fifty dollars or the amount charged to the credit card as a result of the loss, theft, or unauthorized use, whichever is less. account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.~~

The policy shall include provisions addressing all of the following:

- (1) The officers, positions, or appointees authorized to use a credit card account;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the clerk or the clerk's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The district's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account.

(B) The name of the township park district shall appear on each presentation instrument related to the account including cards and checks.

(C) If the clerk of the district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer, employee, or appointee to use a credit card account, except that a board of park commissioners serving in the role of compliance officer may use a credit card account if so authorized under the policy and may authorize an officer, employee, or appointee to use a credit card account as provided in division (A) of this section. The clerk is not eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the clerk retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer, employee, or appointee to use a credit card, the clerk may use a system to sign out credit cards to the authorized users. The officer, employee, or appointee is liable in person and upon any official bond the officer, employee, or appointee has given to the township park district to reimburse the district treasury the amount for which the officer, employee, or appointee does not provide

itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer, employee, or appointee of a township park district or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the board violates section 2913.21 of the Revised Code.

(G) The clerk or the clerk's designee annually shall file a report with the board detailing all rewards received based on the use of the township park district's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 717.31. (A) Not later than three months after the effective date of this section, a legislative authority of a municipal corporation that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a legislative authority shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use a credit card account;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the village clerk or city auditor or the clerk's or auditor's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The municipal corporation's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the municipal corporation shall appear on each presentation instrument related to the account including cards and checks.

(C) If the village clerk or city auditor, as applicable, does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the following applies:

(1) In a municipal corporation that has the authority to operate a mayor's court pursuant to Chapter 1905. of the Revised Code, the chief executive officer of the municipal corporation shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The village clerk or city auditor is not eligible for appointment as compliance officer.

(2) In a municipal corporation that does not have the authority to operate a mayor's court

pursuant to Chapter 1905. of the Revised Code, the village clerk or city auditor monthly shall present to the legislative authority credit card account transaction detail from the previous month. The legislative authority shall review the credit card account transaction detail and the presiding officer of the legislative authority shall sign an attestation stating the legislative authority reviewed the credit card account transaction detail.

(D) The compliance officer, if applicable, and the legislative authority at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the village clerk or city auditor retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the legislative authority authorizes an officer or employee to use a credit card, the village clerk or city auditor may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the municipal corporation to reimburse the treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the legislative authority constitutes misuse of a credit card account. An officer or employee of the municipal corporation or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the municipal corporation violates section 2913.21 of the Revised Code.

(G) The village clerk or city auditor, as applicable, or the designee of that applicable officer annually shall file a report with the legislative authority detailing all rewards received based on the use of the municipal corporation's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 940.11. ~~The (A) Not later than three months after the effective date of this amendment, the supervisors of a soil and water conservation district may hold one or more that hold a credit-cards on behalf of the district and may authorize any supervisor or employee of the district to use such a credit card to pay for expenses related to the purposes of the district. The supervisors shall pay the debt incurred as a result of the use of such a credit card from money accepted by the supervisors as authorized under division (E) of section 940.06 of the Revised Code or from the special fund established for the district under section 940.12 of the Revised Code. The misuse of card account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, the supervisors shall adopt a written policy before first holding a credit card account.~~

The policy shall include provisions addressing all of the following:

- (1) The supervisors or positions authorized to use a credit card account;
- (2) The types of expenses for which a credit card account may be used;

(3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;

(4) The procedure for submitting itemized receipts to the fiscal agent or the fiscal agent's designee;

(5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;

(6) The district's credit card account's maximum credit limit or limits;

(7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the soil and water conservation district shall appear on each presentation instrument related to the account including cards and checks.

(C) If the fiscal agent of the district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the supervisors shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize a supervisor or employee to use a credit card account. The fiscal agent is not eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the supervisors at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the fiscal agent retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the supervisors authorize a supervisor or employee to use a credit card, the fiscal agent may use a system to sign out credit cards to the authorized users. The supervisor or employee is liable in person and upon any official bond the supervisor or employee has given to the district to reimburse the district treasury the amount for which the supervisor or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the supervisors constitutes misuse of a credit card account. A supervisor or employee of a soil and water conservation district or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held on behalf of a soil and water conservation district is a violation of violates section 2913.21 of the Revised Code. In addition, a supervisor or employee of a district who makes unauthorized use of such a credit card may be held personally liable to the district for the unauthorized use. This section does not limit any other liability of a supervisor or employee of a district for the unauthorized use of such a credit card.

A supervisor or employee of a soil and water conservation district who is authorized to use a credit card that is held on behalf of the district and who suspects the loss, theft, or possibility of another person's unauthorized use of the credit card immediately shall notify the supervisors in writing of the suspected loss, theft, or possible unauthorized use.

(G) The fiscal agent or the fiscal agent's designee annually shall file a report with the supervisors detailing all rewards received based on the use of the soil and water conservation district's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 940.12. The board of county commissioners of each county in which there is a soil and water conservation district may levy a tax within the ten-mill limitation and may appropriate money from the proceeds of the levy or from the general fund of the county. The money shall be held in a special fund for the credit of the district, to be expended for the purposes prescribed in ~~sections~~ section 940.08 and 940.11 of the Revised Code or under the policy adopted under section 940.11 of the Revised Code, for construction and maintenance of improvements by the district, and for other expenses incurred in carrying out the program of the district upon the written order of the fiscal agent for the district after authorization by a majority of the supervisors of the district.

Sec. 1545.072. (A) ~~The~~ Not later than three months after the effective date of this amendment, a board of park commissioners may authorize an officer, employee, or appointee of the board to use of a park district that holds a credit card held by the park district to pay for expenses related to park district business. The debt incurred as a result of the use of a credit card under this section shall be paid from park district funds account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers, positions, or appointees authorized to use park district credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the treasurer or the treasurer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The district's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account.

~~(B) Misuse of a credit card held by the board by an~~ The name of the park district shall appear on each presentation instrument related to the account including cards and checks.

(C) If the treasurer of the park district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer, employee, or appointee to use a credit card account. The treasurer is not eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the board at least quarterly shall review the

number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the treasurer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer, employee, or appointee to use a credit card, the treasurer may use a system to sign out credit cards to the authorized users. The officer, employee, or appointee is liable in person and upon any official bond the officer, employee, or appointee has given to the park district to reimburse the district treasury the amount for which the officer, employee, or appointee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer, employee, or appointee of a board of park commissioners is a violation of or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the board violates section 2913.21 of the Revised Code.

(C) An officer, employee, or appointee, in a civil action, may be found personally liable to the park district for the officer's, employee's, or appointee's unauthorized use of the park district credit card.

(D) Any officer, employee, or appointee who is authorized to use a credit card held by the board of park commissioners and who suspects the loss, theft, or possibility of another person's unauthorized use of the credit card shall notify the board of park commissioners of the suspected loss, theft, or possible unauthorized use immediately in writing.

The officer, employee, or appointee may be held personally liable for unauthorized debt resulting from such loss, theft, or unauthorized use, in the amount of fifty dollars or the amount charged to the credit card as a result of the loss, theft, or unauthorized use, whichever is less.

(G) The treasurer or the treasurer's designee annually shall file a report with the board detailing all rewards received based on the use of the park district's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 1711.131. (A) The Not later than three months after the effective date of this amendment, the board of directors of a county agricultural society or an independent agricultural society may authorize by resolution an officer or employee of the agricultural society to use that holds a credit card held by the board to pay for expenses related to the purposes of the agricultural society. If a board elects to authorize the use of a credit card held by the board as described in this section, the board first shall adopt a policy specifying the purposes for which the credit card may be used.

(B) An officer or employee of an agricultural society who makes unauthorized use of a credit card held by the society's board of directors is personally liable for the unauthorized use. The

~~prosecuting attorney of the appropriate county shall recover the amount of any unauthorized expenses incurred by the officer or employee through the misuse of the credit card in a civil action in any court of competent jurisdiction. This section does not limit any other liability of the officer or employee for the unauthorized use of a credit card held by the board of directors.~~

~~(C) An officer or employee who is authorized to use a credit card held by the board of directors of an agricultural society and who suspects the loss, theft, or possibility of unauthorized use of the credit card immediately shall notify the board in writing of the suspected loss, theft, or possible unauthorized use. The officer or employee may be held personally liable for not more than fifty dollars in unauthorized debt incurred before the board receives the notification.~~

~~(D) The misuse by an account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.~~

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the treasurer or the treasurer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The society's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the county agricultural society or independent agricultural society shall appear on each presentation instrument related to the account including cards and checks.

(C) If the treasurer of the agricultural society does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The treasurer is not eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the treasurer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer or employee to use a credit card, the treasurer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the agricultural society to reimburse the society treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board

constitutes misuse of a credit card account. An officer or employee of an agricultural society or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the society's board of directors is a violation of violates section 2913.21 of the Revised Code.

(G) The treasurer or the treasurer's designee annually shall file a report with the board detailing all rewards received based on the use of the society's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 2913.21. (A) No person shall do any of the following:

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

(2) Knowingly buy or sell a credit card from or to a person other than the issuer;

(3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under section 2921.01 of the Revised Code, knowingly misuse a credit card account held by a political subdivision.

(B) No person, with purpose to defraud, shall do any of the following:

(1) Obtain control over a credit card as security for a debt;

(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;

(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;

(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.

(D)(1) Whoever violates this section is guilty of misuse of credit cards.

(2) Except as otherwise provided in division (D)(4) of this section, a violation of division (A), (B)(1), or (C) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in this division or division (D)(4) of this section, a violation of division (B)(2), (3), or (4) of this section is a misdemeanor of the first degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (3), or (4) of this section, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is one thousand dollars or more and is less than seven thousand five hundred dollars, misuse of credit cards in violation of any of those divisions is a felony of the fifth degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (3), or (4) of this section,

which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, misuse of credit cards in violation of any of those divisions is a felony of the fourth degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (3), or (4) of this section, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is one hundred fifty thousand dollars or more, misuse of credit cards in violation of any of those divisions is a felony of the third degree.

(4) If the victim of the offense is an elderly person or disabled adult, and if the offense involves a violation of division (B)(1) or (2) of this section, division (D)(4) of this section applies. Except as otherwise provided in division (D)(4) of this section, a violation of division (B)(1) or (2) of this section is a felony of the fifth degree. If the debt for which the card is held as security or the cumulative retail value of the property or services involved in the violation is one thousand dollars or more and is less than seven thousand five hundred dollars, a violation of either of those divisions is a felony of the fourth degree. If the debt for which the card is held as security or the cumulative retail value of the property or services involved in the violation is seven thousand five hundred dollars or more and is less than thirty-seven thousand five hundred dollars, a violation of either of those divisions is a felony of the third degree. If the debt for which the card is held as security or the cumulative retail value of the property or services involved in the violation is thirty-seven thousand five hundred dollars or more, a violation of either of those divisions is a felony of the second degree.

Sec. 3313.291. The board of education of a school district may adopt a resolution establishing a petty cash account from which a designated district official may draw moneys by check signed by that official ~~or by debit card~~ for purchases made within the district. The resolution establishing the account shall specify the maximum amount of money that may be placed in the account; designate the district officials who may draw moneys from the account, or require the treasurer of such board to designate such officials; and specify the requirements and procedures for replenishing the account.

Sec. 3313.311. (A) Not later than three months after the effective date of this section, a board of education of any school district, a governing board of an educational service center, or a governing authority of an information technology center that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a board or authority shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the treasurer or chief fiscal officer or the treasurer's or chief fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The entity's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card

account.

(B) The name of the school district, educational service center, or information technology center shall appear on each presentation instrument related to the account including cards and checks.

(C) If the treasurer of the board of education, treasurer of the educational service center, or chief fiscal officer of the information technology center does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board, governing board, or governing authority shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. Except a superintendent of a school district or chief administrator of an information technology center serving as compliance officer, the compliance officer may not use a credit card account. The compliance officer may not authorize an officer or employee to use a credit card account. If a school district superintendent acting as compliance officer has authority to use a credit card account, the treasurer or the treasurer's designee, who shall not be the school district superintendent, monthly shall review the credit card account transaction detail and shall sign an attestation stating the treasurer or designee reviewed the credit card account transaction detail. If the chief administrator of an information technology center acting as compliance officer has authority to use a credit card account, the governing authority monthly shall review the credit card account transaction detail and shall sign an attestation stating the governing authority reviewed the credit card account transaction detail. The treasurer of the board of education, treasurer of the educational service center, and chief fiscal officer of the information technology center are not eligible for appointment as compliance officer. The superintendent of a school district or chief administrator of an information technology center is eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, at least once every six months shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the treasurer of the board of education, treasurer of the educational service center, or chief fiscal officer of the information technology center retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board or authority authorizes an officer or employee to use a credit card, the treasurer or chief fiscal officer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the school district, educational service center, or information technology center to reimburse the treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board or authority constitutes misuse of a credit card account. An officer or employee of a school district, educational service center, or information technology center or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by a board or authority violates section 2913.21 of the Revised Code.

(G) The treasurer or chief fiscal officer, as applicable, or the designee of that applicable officer annually shall file a report with the board or authority detailing all rewards received based on the use of the credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 3314.52. (A) Not later than three months after the effective date of this section, the governing authority of a community school that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a governing authority shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the designated fiscal officer or the designated fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The community school's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the community school shall appear on each presentation instrument related to the account including cards and checks.

(C) If the designated fiscal officer of the community school does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the governing authority shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. Except a chief administrator of a community school serving as compliance officer, the compliance officer may not use a credit card account. The compliance officer may not authorize an officer or employee to use a credit card account. If a chief administrator acting as compliance officer has authority to use a credit card account, the governing authority monthly shall review the credit card account transaction detail and shall sign an attestation stating the governing authority reviewed the credit card account transaction detail. The designated fiscal officer is not eligible for appointment as compliance officer. The chief administrator is eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the governing authority at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the designated fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the governing authority authorizes an officer or employee to use a credit card, the fiscal officer may use a

system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the community school to reimburse the school treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the governing authority constitutes misuse of a credit card account. An officer or employee of a community school or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the governing authority violates section 2913.21 of the Revised Code.

(G) The designated fiscal officer or the designated fiscal officer's designee annually shall file a report with the governing authority detailing all rewards received based on the use of the community school's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 3326.52. (A) Not later than three months after the effective date of this section, the governing body of a STEM school that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a governing body shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the treasurer or the treasurer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The STEM school's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the STEM school shall appear on each presentation instrument related to the account including cards and checks.

(C) If the treasurer of the STEM school does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the governing body shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. Except a chief administrator of a STEM school serving as compliance officer, the compliance officer may not use a credit card account. The compliance officer may not authorize an officer or employee to use a credit card account. If the chief administrator acting as compliance officer has authority to use a credit card account, the governing body monthly shall

review the credit card account transaction detail and shall sign an attestation stating the governing body reviewed the credit card account transaction detail. The treasurer is not eligible for appointment as compliance officer. The chief administrator is eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the governing body at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the treasurer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the governing body authorizes an officer or employee to use a credit card, the treasurer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the school to reimburse the school treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the governing body constitutes misuse of a credit card account. An officer or employee of a STEM school or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the governing body violates section 2913.21 of the Revised Code.

(G) The treasurer or the treasurer's designee annually shall file a report with the governing body detailing all rewards received based on the use of the STEM school's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 3328.52. (A) Not later than three months after the effective date of this section, the board of trustees of a college-preparatory boarding school that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The school's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the college-preparatory boarding school shall appear on each presentation instrument related to the account including cards and checks.

(C) If the fiscal officer of the college-preparatory boarding school does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. Except a chief administrator of college-preparatory boarding school serving as compliance officer, the compliance officer may not use a credit card account. The compliance officer may not authorize an officer or employee to use a credit card account. If the chief administrator acting as compliance officer has authority to use a credit card account, the board monthly shall review the credit card account transaction detail and shall sign an attestation stating the board reviewed the credit card account transaction detail. The fiscal officer is not eligible for appointment as compliance officer. The chief administrator is eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer or employee to use a credit card, the fiscal officer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the school to reimburse the school treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer or employee of a college-preparatory boarding school or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the board violates section 2913.21 of the Revised Code.

(G) The fiscal officer or the fiscal officer's designee annually shall file a report with the board detailing all rewards received based on the use of the college-preparatory boarding school's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 3375.392. (A) A Not later than three months after the effective date of this amendment, a board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code may authorize an officer, employee, or appointee of the a free public library under its jurisdiction to use a credit card that the library holds to pay for expenses related to library business. The debt incurred as a result of the use of the credit card shall be paid from library

funds.

(B) Misuse of a credit card of a free public library by an or library district that holds a credit card account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers, positions, or appointees authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The library's or district's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account.

(B) The name of the free public library or library district shall appear on each presentation instrument related to the account including cards and checks.

(C) If the fiscal officer of a free public library or library district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may use a credit card account only upon authority from the fiscal officer of the free public library or library district, except the director of a free public library or library district serving in the role of compliance officer may use a credit card if so authorized under the policy. If the compliance officer has authority to use a credit card account, the fiscal officer or the fiscal officer's designee, who shall not be the compliance officer, monthly shall review the credit card account transaction detail and shall sign an attestation stating the fiscal officer or designee reviewed the credit card account transaction detail. The compliance officer may not authorize an officer, employee, or appointee to use a credit card account, except a director serving in the role of compliance officer may authorize an officer, employee, or appointee to use a credit card account. The fiscal officer of the free public library or library district is not eligible for appointment as compliance officer. The director is eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, at least once every six months shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board or director authorizes an officer, employee, or appointee to use a credit card, the fiscal officer may use a system to sign out credit cards to the authorized users. The officer, employee, or appointee is liable in person and upon any official bond the officer, employee, or appointee has given to the library or district to

reimburse the library or district treasury the amount for which the officer, employee, or appointee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer, employee, or appointee of the library is subject to or district or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the board violates section 2913.21 of the Revised Code. The officer, employee, or appointee also may be found personally liable to the library in a civil action for the officer's, employee's, or appointee's misuse of the library's credit card.

(C) Any officer, employee, or appointee of a free public library who is authorized to use a credit card that the library holds and who suspects the loss, the theft, or another person's possible unauthorized use of the credit card shall notify the board of library trustees immediately in writing of the suspected loss, theft, or possible unauthorized use. The officer, employee, or appointee may be held personally liable to the library for any unauthorized debt resulting from the credit card's loss, theft, or unauthorized use in the amount of fifty dollars or the amount charged to the credit card as a result of the loss, theft, or unauthorized use, whichever is less.

(G) The fiscal officer or the fiscal officer's designee annually shall file a report with the board detailing all rewards received based on the use of the free public library's or library district's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

Sec. 6119.60. (A) Not later than three months after the effective date of this section, a board of trustees of a regional water and sewer district that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
- (2) The types of expenses for which a credit card account may be used;
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
- (4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee;
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
- (6) The district's credit card account's maximum credit limit or limits;
- (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.

(B) The name of the regional water and sewer district shall appear on each presentation instrument related to the account including cards and checks.

(C) If the fiscal officer of the district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The fiscal officer is not eligible for appointment as compliance officer.

(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

(E) If the fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer or employee to use a credit card, the fiscal officer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the district to reimburse the district treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

(F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer or employee of a regional water and sewer district or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the board violates section 2913.21 of the Revised Code.

(G) The fiscal officer or the fiscal officer's designee annually shall file a report with the board detailing all rewards received based on the use of the regional water and sewer district's credit card account.

(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

SECTION 2. That existing sections 117.09, 117.103, 117.38, 118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 of the Revised Code are hereby repealed.

SECTION 3. As used in this section, "qualified property" means territory leased by the state under section 1506.11 of the Revised Code, the lease of which has been assigned to a municipal corporation as lessee.

Notwithstanding section 5713.081 and division (F) of section 1506.11 of the Revised Code,

when qualified property used exclusively for a public purpose for the purposes of section 5709.08 of the Revised Code has not received tax exemption under that section, the lessee municipal corporation, at any time on or before December 31, 2018, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that unpaid taxes, penalties, and interest charged and payable after December 31, 2003, on the property be abated, provided that taxes, penalties, and interest charged and payable for any tax year the property was used in the operation of a business may not be abated.

The application shall be made on the form prescribed by the Tax Commissioner under section 5715.27 of the Revised Code and shall list the name of the county in which the property is located; the property's parcel number or legal description; its assessed value; the amount in dollars of the unpaid taxes, penalties, and interest charged and payable after December 31, 2003; and any other information required by the Tax Commissioner. The county auditor shall supply the required information upon request of the applicant.

After receiving and considering the application, the Commissioner shall determine if the applicant meets the qualifications set forth in this section. If so, the Commissioner shall issue an order directing that the property be placed on the tax-exempt list of the county and that unpaid taxes, penalties, and interest charged and payable after December 31, 2003, be abated except for taxes, penalties, and interest charged and payable for any tax year that the property was used in the operation of a business. Such taxes, penalties, and interest shall be abated even if the property was subject to more than one lease during the period for which the abatement was requested. If the Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under this section, the Commissioner shall issue an order denying the application.

If the Commissioner finds that the property is not entitled to tax exemption and the abatement of unpaid taxes, penalties, and interest, the Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property in accordance with law.

The Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Commissioner on the effective date of this section without requiring the property owner to file an additional application.

Sub. H. B. No. 312

132nd G.A.

43

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Attachment: HB_312_05_EN (1160 : Credit Card Account Compliance Officer)

Sub. H. B. No. 312

132nd G.A.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____

Attachment: HB_312_05_EN (1160 : Credit Card Account Compliance Officer)

RESOLUTION NO. _____

RESOLUTION APPOINTING KRISTINA MAYES, INCOME TAX
ADMINISTRATOR AND HER SUCCESSORS AS THE
COMPLIANCE OFFICER FOR THE CITY OF FAIRFIELD CREDIT
CARD ACCOUNTS AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Fairfield, Ohio, that:

Section 1. The Fairfield City Council hereby appoints Kristina Mayes, Income Tax Administrator, and her successors as the Compliance Officer for the City of Fairfield Credit Card Accounts as required by law.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the urgent benefit and protection of the City and its inhabitants for the reason that the appointment be completed in a timely manner; wherefore, this Resolution shall take effect immediately upon its passage.

Passed	_____	_____	Mayor's Approval
Posted	_____		
First Reading	_____	Rules Suspended	_____
Second Reading	_____	Emergency	_____
Third Reading	_____		

ATTEST:

Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Income Tax Administrator-Res

Attachment: Income Tax Administrator-Res (1160 : Credit Card Account Compliance Officer)



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Dan Wendt,
 Submitting Department: City Manager's Office

Subject:

Amendment to Codified Ordinance 163.20

Legislation Title:

Ordinance to amend Section 163.20 of the Employee Provisions of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

Recommendation:

Recommend that City Council adopt staff recommendation to amend Fairfield Codified Ordinance 163.20 by striking out listed positions and by inserting language referring to the Unclassified Service Pay Plan for all positions that are exempt under the Fair Labor Standards Act. Council adopts an Unclassified Service Pay Plan annually.

Background/Synopsis:

Fairfield Codified Ordinance 163.20 on Additional Supervisory / Professional Employee Provisions stipulates certain benefits that may be provided by the appointing authority. The proposed amendment does not change stipulated benefit levels. The modification would extend benefit eligibility to the three incumbents who occupy the newly created position of Major / Deputy Police Chief. City Council updated the ordinance in 2018 to extend the same provisions to the Deputy Fire Chiefs when the position was created.

City Council annually adopts the Unclassified Service Pay Plan. By referencing the Unclassified Service Pay Plan rather than the job titles, the proposal eliminates future duplicative legislation.

Financial Impact:

The estimated annual maximum financial impact of extending the benefit to three Major / Deputy Police Chiefs is \$16,500.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Ordinance 163.20
2. Codified Ordinance Section 163.20-Ord

163.20 ADDITIONAL SUPERVISORY/PROFESSIONAL EMPLOYEE PROVISIONS.

At the discretion of the appointing authority, supervisory/professional employees may be provided certain additional benefits as follows:

(a) Supervisory/Professional Employee Defined. For the purposes of this section, supervisory/professional employees shall be defined to include **ALL FULL-TIME POSITIONS THAT ARE EXEMPT UNDER THE FAIR LABOR STANDARDS ACT (FLSA) AND ARE NOT MANAGEMENT EMPLOYEES AS DEFINED IN SECTION 163.19.** ~~the classifications of Accounting Supervisor, Arts and Programs Manager, Chief Probation Officer, City Engineer/Deputy Public Works Director, Clerk of Courts/Court Administrator, Code Enforcement Supervisor, Communications Manager, Community Events Coordinator, Construction Services Manager, Deputy Fire Chief, Development Manager, Economic Development Manager, Engineer, Facilities/Operations Manager, Financial Services Manager, Fleet/Facilities Manager, GIS Analyst, Golf Course Superintendent, Golf Professional, Human Resources Manager, Income Tax Administrator, Information Technology Manager, Juvenile Diversion Counselor, Maintenance Coordinator, Major/Deputy Police Chief, Network Analyst, Operations Coordinator, Payroll Administrator, Planning Manager, Recreation Coordinator, Senior Network Analyst, Superintendent of Building Inspection and Zoning, Superintendent of Public Utilities, Superintendent of Streets, Tax Analyst, Theatre Technical Coordinator, and Utility Collections Supervisor.~~

(b) Deferred Compensation. If a supervisory/professional employee contributes to a City- sponsored deferred compensation plan, the City will contribute to said plan an amount equal to twenty-five percent (25%) of the employee's annual contribution, provided, however, that the maximum City contribution shall not exceed one-fifth of the regular maximum annual deferral limit for federal income tax purposes applicable to the employee in any calendar year, excluding any catch-up or additional annual deferral limit amount which may be available to the employee in excess of the regular annual deferral limit.

(c) Health Club Membership. The City may reimburse each supervisory/professional employee up to fifty percent (50%) of the actual expenses incurred for the cost of a single membership in a health club. The total reimbursement to an employee for such membership shall not exceed two hundred fifty dollars (\$250.00) in any calendar year.

(d) Community Service Club. The City may reimburse certain supervisory/ professional employees up to five hundred dollars (\$500.00) for the cost of a single membership in a community-based service club as approved by the City Manager.

(e) New Hires. During the hiring process to fill a vacancy in a supervisory/professional employee position, the appointing authority is authorized to offer additional vacation and/or sick leave benefits given the candidate's prior experience and work record as well as the level of benefits necessary to attract highly qualified candidates. Candidates with prior public service shall be entitled to the benefits provided under Sections [163.01](#) and [163.02](#). However, both candidates with prior public service and those without prior public service may be granted additional benefits pursuant to this subsection. Vacation and/or sick leave balances granted and rates of accrual thereof shall not exceed the maximums provided in Sections [163.01](#) and [163.02](#), respectively.

(Ord. 31-18. Passed 3-26-18; Ord. 66-18. Passed 6-11-18.)

EXHIBIT A

ORDINANCE NO. _____

ORDINANCE TO AMEND SECTION 163.20 OF THE EMPLOYEE PROVISIONS OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Section 163.20 of the Employee Provisions of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio is hereby amended to read as follows:

See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Codified Ordinance Section 163.20-Ord

Attachment: Codified Ordinance Section 163.20-Ord (1154 : Amendment to Codified Ordinance 163.20)



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Carol Mayhall,
 Submitting Department: City Manager's Office

Subject:

Amendment to Ordinance Establishing Salaries for Certain Exempt and Salaried Employees

Legislation Title:

Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal Ordinance No. 33-18 and 65-18 and all amendments thereto and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt this as an emergency in order for the revised structure take effect April 1, 2019.

Background/Synopsis:

The requested changes to Unclassified Service Pay Plan reflect a reorganization in the structure of the Parks and Recreation Department, the Police Department and the Public Utilities Department.

As previously presented to Council, the Parks and Recreation Department is undergoing a reorganization under the leadership of the new Director. The Department will be comprised of four sections—Arts & Hospitality, Recreation, Parks Maintenance and Programs & Events. Each of these sections will be led by a Superintendent, and all of those positions will be in Pay Grade 9 of the Unclassified Pay Plan Position List. These positions are already established and no new positions are being created. The changes are: 1) Recreation Coordinator becomes Programs & Events Superintendent and moves from Pay Grade 7 to Pay Grade 9; 2) Arts/Programs Manager becomes Arts & Hospitality Superintendent, remaining in Pay Grade 9; 3) Operations Coordinator becomes Recreation Superintendent, remaining in Pay Grade 9; and 4) Facilities/Operations Manager becomes Parks Maintenance Superintendent and moves down from Pay Grade 10 to Pay Grade 9. The Community Events Coordinator position was moved from Pay Grade 7 down to Pay Grade 2. One of the Golf Professional positions was eliminated from Pay Grade 7 and a new position of Hospitality & Venue Coordinator was added to Pay Grade 2. Lastly, there was a title change from Theater Technical Coordinator to Theater Technical Manager with the duties and Pay Grade remaining the same.

The Grounds Coordinator position in the Public Works Department was retitled Landscape Design Architect with no change to the duties or Pay Grade.

A new position of CALEA Accreditation Manager in the Police Department is recommended in Pay Grade 7. With the upcoming retirement of the Sergeant in charge of the accreditation process it is financially and structurally more prudent to create a civilian position with duties focused solely on this important function. The CALEA accreditation process insures that the department's standards remain current thus reducing liability while improving the safety of officers as well as the general public.

With the recent resignation of the Public Utilities Superintendent in Water, the Public Utilities Department is undergoing a reorganization by which there will remain two Public Utilities Superintendents, but one will be responsible for water and wastewater treatment plant operations and the other will be responsible for water distribution and wastewater collection.

Financial Impact:

Funding is provided under the auspices of City Council's previously approved 2019 Budget. The allocation of \$135,000.00 remains the same as the previous six years.

Emergency Provision Explanation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt this as an emergency inasmuch as the new structure will take effect April 1, 2019.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. 2019 Unclassified

ORDINANCE NO. _____

ORDINANCE ESTABLISHING SALARIES FOR CERTAIN EXEMPT AND SALARIED EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO, TO REPEAL ORDINANCE NO. 36-18 and 65-18 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

- Section 1. Ordinance No. 36-18 and 65-18, and all other prior ordinances inconsistent herewith, are hereby repealed.
- Section 2. The attached position list, which is incorporated herein by reference, is hereby adopted. The existing salaries for the positions set forth in the attached salary structure shall be within the ranges as shown.
- Section 3. The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.
- Section 4. The City Manager is hereby authorized to grant performance based pay increases, achievement awards and equity pay adjustments for employees within the job classifications listed on the Unclassified Service Position Schedule attached, within the confines of the ranges shown. Such pay adjustments shall not exceed a total of \$135,000.00. All increases and adjustments shall be retroactive to April 1, 2018.
- Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the changes to the exempt salary pay schedule position list can take effect in a timely manner; wherefore, this ordinance shall take effect immediately upon passage.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided in the Charter.

Clerk of Council

**UNCLASSIFIED SERVICE PAY PLAN
POSITION LIST**

11.D.3.a

Pay Grade	Position Title	Annual Minimum	Annual Maximum
1	Secretary to Mayor	\$37,440.00	\$54,288.00
2	COMMUNITY EVENTS COORDINATOR HOSPITALITY AND VENUE COORDINATOR Secretary to Director of Development Services Secretary to Director of Public Utilities	\$40,060.80	\$58,094.40
3	Administrative Assistant Clerk of Council (FT) EMS Privacy Officer Help Desk Technician Payroll Administrator	\$42,868.80	\$62,150.40
4	Human Resources Assistant	\$45,864.00	\$66,497.60
5	G.I.S Analyst Theater Technical [Coordinator] MANAGER	\$49,067.20	\$71,156.80
6	Code Enforcement Supervisor Golf Course Superintendent [Grounds Coordinator] LANDSCAPE DESIGN ARCHITECT Network Analyst Tax Analyst	\$52,520.00	\$76,148.80
7	Accounting Supervisor CALEA ACCREDITATION MANAGER [Community Events Coordinator] Golf Professional {{2}} (1) Juvenile Diversion Counselor [Recreation Coordinator] Risk/Safety Coordinator Senior Network Analyst Utility Collections Supervisor	\$56,180.80	\$81,473.60
8	Development Manager Engineer	\$60,112.00	\$87,172.80
9	[Arts/Programs Manager] ARTS & HOSPITALITY SUPER-INTENDENT Communications Manager Economic Development Manager Fleet/Facilities Manager Income Tax Administrator [Operations Coordinator] RECREATION SUPERINTENDENT Planning Manager PARKS MAINTENANCE SUPERINTENDENT PROGRAMS & EVENTS SUPERINTENDENT Superintendent of Streets	\$64,937.60	\$97,385.60

10	Construction Services Manager	\$70,116.80	
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	Financial Services Manager Human Resources Manager Information Technology Manager [Facilities/Operations Manager]		
11	Deputy Fire Chief (2) Major/Deputy Police Chief (3) Superintendent of Building Inspection and Zoning Superintendent of Public Utilities (2) [Wastewater Superintendent of Public Utilities – Water]	\$75,732.80	\$113,609.60
12	City Engineer/Deputy Public Works Director	\$81,785.60	\$122,699.20
13	Director of Development Services Director of Finance Director of Parks and Recreation Director of Public Utilities Director of Public Works Fire Chief Police Chief	\$88,337.60	\$132,496.00
14	Assistant City Manager	\$95,409.60	\$143,104.00



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Carol Mayhall,
 Submitting Department: City Manager's Office

Subject:

Amendment to the Wage and Salary Ordinance for Certain Salaried and Hourly Employees

Legislation Title:

Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance No. 14-19 and all amendments thereto and declaring an emergency.

Recommendation:

It is recommended that City Council approve this ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of these new rates.

Background/Synopsis:

Effective January 1, 2019, minimum wage in the State of Ohio increased from \$8.30 to \$8.55 per hour. The increase is reflected on this ordinance.

The current labor agreements with AFSCME Local #3646 and IAFF Local 4010 provide for a general wage increase for all members of the bargaining unit effective April 1, 2019. Also, according to a Conciliation Award, IAFF has an increase of 1% at the 15 and 20 year longevity step. The wages ranges for part-time positions within the Police and Fire Department were increased by 2.5% to reflect that of the bargaining units.

There is an increase in the wage range for the Part-Time Clerk of Council and Civil Service Commission Secretary.

We are reducing the number of Account Clerk I positions in the Income Tax Division from five to four.

As a part of the reorganization in the Parks and Recreation Department two golf course positions will be reclassified to Parks Maintenance, 1) The Greenskeeper position will be reduced from two to one; and 2) the full-time Maintenance Worker/Laborer position will be eliminated. These two positions will be reclassified as Maintenance Worker/Laborer positions within the Parks Maintenance Division. This will provide greater flexibility to address the needs of the department's vastly expanded inventory of acreage and facilities.

Financial Impact:

Funding is provided under the auspices of the approved 2019 Operating Budget. The base increase is 2.5% for certain full-time and part-time positions.

Emergency Provision Explanation:

It is recommended that City Council approve this Ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of the new rates and allow the reorganization of the position described above.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Hourly Ord 3-19

ORDINANCE NO. _____

ORDINANCE TO ESTABLISH SALARIES AND HOURLY RATES FOR CERTAIN SALARIED AND HOURLY EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO AND TO AUTHORIZE AND LIMIT THE NUMBERS AND TYPES OF CERTAIN EMPLOYEES, TO REPEAL ORDINANCE NO. 14-19 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio that:

Sec.1 Ordinance No. 14-19 and all amendments thereto and all other ordinances inconsistent herewith are hereby repealed as the respective sections of this ordinance become effective as stated in Section 14 hereof. Changes from Ordinance No. 14-19 are shown in bold, with deletions in brackets.

Sec.2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance.

Sec.3 The terms of the agreements of each bargaining unit of the City shall apply to all members of the bargaining unit, whether or not they are members of the union which represents that bargaining unit.

Sec.4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.

Sec.5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Civil Service Commission

One (1) Clerk of Commission (PT) [8.30-18.63] 12.00-22.00 PER HOUR

B. Special Appropriations

One (1) Clerk I [19.72-23.17] 20.21-23.75 PER HOUR
Two (2) Clerks (PT) **[8.30] 8.55-18.63 per hour**

C. City Council

One (1) Clerk of Council (PT) [26,523-33,100] 29,175-36,410 PER ANNUM

Sec.6 In the Department of Development Services there are the following classifications of jobs and rates of pay:

A. Division of Building and Zoning Inspection

One (1) Building Inspector* [33.40-34.75] 34.22-35.62 PER HOUR
One (1) Heating Inspector* [33.40-34.75] 34.22-35.62 PER HOUR
One (1) Electrical Inspector* [33.40-34.75] 34.22-35.62 PER HOUR
One (1) Clerk II [23.85-25.35] 24.45-25.98 PER HOUR
One (1) Clerk I [19.72-23.17] 20.21-23.75 PER HOUR
Three (3) Zoning Inspector/Clerks [23.85-25.35] 24.45-25.98 PER HOUR
One (1) Zoning Inspector/Clerk (PT) **[8.30] 8.55-18.63 per hour**
One (1) Plans Reviewer (PT) **[8.30] 8.55-37.07 per hour**
One (1) Electrical Inspector (PT/TEMP) **[8.30] 8.55-37.07 per hour**

* Additional certifications in Building, Heating and/or Electrical other than that required in classification, add \$1.00 per hour.

Sec.7 In the Department of Finance are the following classifications of jobs and rates of pay:

A. Finance Administration/Financial Services

Two (2) Account Clerk II *	[23.85-25.35]	24.45-25.98 PER HOUR
Four (4) Account Clerk I	[19.72-23.17]	20.21-23.75 PER HOUR
Three (3) Clerks (PT)	[8.30]	8.55 –18.63 per hour

B. Income Tax

One (1) Account Clerk II *	[23.85-25.35]	24.45-25.98 PER HOUR
Five (5) FOUR (4) Account Clerk I	[19.72-23.17]	20.21-23.75 PER HOUR
One (1) Clerk (PT)	[8.30]	8.55 –18.63 per hour

*Crew leader position established to receive an additional \$0.50 per hour.

Sec.8 In the Police Department are the following classifications of jobs and rates of pay:

Ten (10) Sergeants		42.34-45.72 per hour
Forty-seven (47) Police Officers*		26.24-40.64 per hour
Ten (10) Dispatchers**/****	[22.21-31.05]	22.77-26.53 PER HOUR
Eight (8) Dispatchers (PT)	[22.21-31.05]	22.77-26.53 PER HOUR
Four (4) Clerk II***	[23.85-25.35]	24.45-25.98 PER HOUR
Four (4) Clerk I	[19.72-23.17]	20.21-23.75 PER HOUR
One (1) Crime Prevention Coordinator (PT)		12.00–24.60 per hour
One (1) Animal Control Officer	[20.20-23.68]	20.71-24.27 PER HOUR
One (1) Animal Control Officer (PT)	[20.20-23.68]	20.71-24.27 PER HOUR
One (1) Park Ranger***	[23.64-26.70]	25.23-27.37 PER HOUR
Five (5) Park Rangers (PT)	[23.64-26.70]	25.23-27.37 PER HOUR
Three (3) Police Services Aides (PT)		12.00–24.84 per hour
One (1) Receptionist (PT)	[8.30]	8.55 –18.63 per hour
* A Police Officer assigned as Field Training Officer for a new Officer will be paid an additional \$1.50 per hour for hours worked in the company of the new Officer as long as the Field Training Officer remains responsible for the training of the new Officer.		
** Dispatchers assigned training responsibilities will be paid an additional \$0.50 per hour for the duration of the assignment.		
*** Crew leader position established to receive an additional \$0.50 per hour.		
**** Appointed Dispatch Foreman will be paid \$[31.05] 31.83 per hour.		

Sec.9 In the Fire Department are the following classifications of jobs and rates of pay:

Three (3) Captains ***	[34.14-35.93]	34.99-37.18 PER HOUR
Six (6) Lieutenants **/**** (See note below)	[30.67-33.26]	31.44-34.41 PER HOUR
Twenty Three (23)		
Firefighter/Paramedics*/** (See note below)	[19.77-30.88]	20.26-31.95 PER HOUR
Three (3) Captains (PT)	[12.00-21.03]	12.00-21.56 PER HOUR
One (1) Lieutenant (PT)		12.00-19.58 per hour
One (1) Training Coordinator (PT)		12.00-25.17 per hour
One (1) Asst. Training Coordinator (PT)	[8.30]	8.55-19.58 per hour
Seventy-five (75) PT Firefighters/EMT-A****	[16.40-18.57]	16.81-19.03 PER HOUR
Two (2) Safety Inspectors (PT)	[12.00-18.12]	12.00-20.06 PER HOUR
One (1) Clerk II	[23.85-25.35]	24.45-25.98 PER HOUR
* Additional \$1.75 per hour paid when serving as Station Supervisor.		
** Additional \$2.00 per hour paid when serving as Acting Captain.		
*** Includes eligibility for a \$.50 merit bonus.		
**** Additional \$.50 per hour when assigned to a Medic Unit.		

Note – The number of Fire personnel for these two (2) positions are per Letter of Understanding with IAFF effective 4/1/17 to 3/31/20.

Sec.10 In the Department of Public Works are the following classifications of jobs and rates of pay:

A. Construction Services

One (1) Clerk II	[23.85-25.35]	24.45-25.98 PER HOUR
One (1) Construction Inspector*		34.07-35.44 per hour
Two (2) Sidewalk Inspectors (PT)	[8.30]	8.55-18.63 per hour

* Construction Inspectors shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution	\$0.25	Class I Wastewater Collection	\$0.25
Class II Water Distribution	\$0.50	Class II Wastewater Collection	\$0.50

B. Engineering Services

One (1) GIS-GPS Mapping Technician/ Traffic Analyst	34.08-35.44 per hour
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C. Municipal Building Maintenance

One (1) Custodial Worker*	[21.08-23.40]	21.61-23.99 PER HOUR
One (1) Maintenance Worker/Laborer**	[22.27-30.99]	22.83-31.76 PER HOUR
One (1) Maintenance Electrician		27.46-32.92 per hour

* Crew Leader position established to receive an additional \$0.50 per hour.

** Crew Leader positions established to receive an additional \$0.50 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NRPA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

D. Division of Streets and Transportation

Twenty Two (22) Maintenance Workers/Laborers**/**	[22.27-30.99]	22.83-31.76 PER HOUR
Four (4) Laborers (Temp/PT)	[8.30]	8.55-18.63 per hour
One (1) Clerk II	[23.85-25.35]	24.45-25.98 PER HOUR

** Crew Leader position(s) established to receive an additional \$0.50 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NRPA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

*** Traffic Signal Technician appointed by management to receive an additional \$1.00 per hour.

E. Municipal Garage

Four (4) Mechanics *	[23.64-29.38]	24.23-30.11 PER HOUR
One (1) Clerk II	[23.85-25.35]	24.45-25.98 PER HOUR

*Mechanic Foreman position to receive an additional \$1.45 per hour and Crew Leader position to receive an additional \$.50 per hour

Sec. 11 In the Department of Parks & Recreation there are the following job classifications and rates of pay:

A. Administration and Recreation

One (1) Clerk II**	[23.85-25.35]	24.45-25.98 PER HOUR
One (1) Clerk I	[19.72-23.17]	20.21-23.75 PER HOUR
Five (5) Clerks (PT)	[8.30]	8.55-18.63 per hour
Six (6) Recreation Programmers (PT)	[8.30]	8.55-21.42 per hour
One (1) Farmer's Market Supervisor (PT)	[8.30]	8.55-21.42 per hour
Four (4) Facility Attendants (PT)	[8.30]	8.55-18.63 per hour
Five (5) Cashiers (PT)	[8.30]	8.55-18.63 per hour
Forty (40) Recreation Leaders (PT)	[8.30]	8.55-18.63 per hour

** Crew Leader position(s) established to receive an additional \$0.50 per hour.

B. Parks and Recreation Maintenance

Six (6) EIGHT (8) Maintenance Worker Laborers*	[22.27-30.99]	22.83-31.76 PER HOUR
Sixteen (16) Laborers (Temp/PT)	[8.30]	8.55-18.63 per hour

** Crew Leader position(s) established to receive an additional \$0.50 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NRPA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

C. Marsh Fishing Lake

One (1) Fishing Lake Supervisor (PT)	[8.30]	8.55-21.42 per hour
Eight (8) Cashiers (PT)	[8.30]	8.55-18.63 per hour

D. Recreation Center-Swimming Pool

One (1) Pool Supervisor (Temp)	[8.30]	8.55-21.42 per hour
Two (2) Senior Lifeguards (Temp)	[8.30]	8.55-18.63 per hour
Forty-four (44) Lifeguards (Temp)	[8.30]	8.55-18.63 per hour
Two (2) Cashiers (PT)	[8.30]	8.55-18.63 per hour

E. Recreation Center-Golf Course

One (1) Turf Mechanic/Maintenance Worker	[23.64-29.37]	24.23-30.10 PER HOUR
Two (2) ONE (1) Greenskeeper[s] *	[27.49-30.05]	28.18-30.80 PER HOUR
One (1) Maintenance Worker/Laborer**		—22.27-30.99 per hour—
Seventeen (17) Laborers (Temp/PT)	[8.30]	8.55-18.63 per hour
Four (4) Pro Shop Supervisors (PT)	[8.30]	8.55-21.42 per hour
Fifty (50) Cashiers (PT)	[8.30]	8.55-18.63 per hour

* Crew Leader established to receive additional \$0.50 per hour.

** Crew Leader position(s) established to receive an additional \$0.50 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NRPA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

Sec.12 In the Department of Public Utilities are the following classifications of jobs and rates of pay:

A. Wastewater Division

One (1) Clerk II	[23.85-25.35]	24.45-25.98 PER HOUR
Two (2) Laboratory Technicians****		23.89-34.91 per hour
(55 % of wages charged to Sewer Fund;	45% charged to Water Fund)	
One (1) Construction Inspector*		34.07-35.44 per hour
Sixteen (16) Operator/Maintenance Workers*/***		24.19-33.79 per hour
One (1) Maintenance Electrician		27.46-32.92 per hour
Two (2) Laborers (PT)	[8.30]	8.55-18.63 per hour

* Construction Inspectors and Operator/Maintenance Workers and other classifications shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution	\$0.25	Class I Wastewater Collection	\$0.25
Class II Water Distribution	\$0.50	Class II Wastewater Collection	\$0.50

*** Chief Operator, Maintenance Foreman and Collection Foreman to receive \$1.50 over their regular rate of pay. Assistant Collection Foreman and Assistant Maintenance Foreman to receive \$0.75 per hour added to regular rate of pay. Crew leader position(s) established to receive an additional \$0.30 per hour.

**** Laboratory Technicians with Class III Water Plant Operator License or Voluntary Wastewater Lab Certifications to receive an additional \$0.50 per hour each. Lab Supervisor to receive \$1.25 in addition to regular rate of pay.

B. Water Division

One (1) Clerk II	[23.85-25.35]	24.45-25.98 PER HOUR
Three (3) Meter Readers**/****	[24.98-26.29]	25.60-26.95 PER HOUR
(55% of wages charged to Water Fund;	45% charged to Sewer Fund)	
Fifteen (15) Operator/Maintenance Workers*/****	[23.64-32.28]	24.23-33.09 PER HOUR
Two (2) Laborers (PT/Temp)	[8.30]	8.55-18.63 per hour

* Chief Operator and Foreman positions to receive \$1.45 over their regular rate of pay.

** Crew Leader position(s) established to receive an additional \$0.50 per hour.

*** An employee in the Meter Reader Classification in the Water Division shall be compensated for one Water Supply License and/or one Water Distribution License as follows, unless one license should supersede the other, then the employee's hourly rate will only reflect the license(s) that are current:

Class I Water Supply	\$0.50	Class I Water Distribution	\$0.25
Class II Water Supply	\$1.00	Class II Water Distribution	\$0.50
Class III Water Supply	\$1.50		

Sec.13 There shall be established a labor pool of temporary or part-time employees who will be eligible to work at any time within the duration of this ordinance. These temporary/part-time employees may work in any city department and their wages will be charged to the department to which they are assigned. The following temporary or part-time positions are established:

Twenty-five (25) Employees (Temp/or P.T.)	[8.30]	8.55-18.63 per hour
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Sec.14 The salaries, rates and conditions established by Sections 5-13 of this Ordinance shall be effective from and after the dates specified in the Union Contracts for employees included in bargaining units and at the earliest date allowed by law, for all other employees. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.

Sec. 15 The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Sec. 16 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Carol Mayhall,
 Submitting Department: City Manager's Office

Subject:

Amendment to the Wage and Salary Ordinance for Municipal Court Employees

Legislation Title:

Ordinance to establish salaries and hourly rates for certain Municipal Court Employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of Certain Municipal Court Employees to repeal Ordinance No. 30-18 and all amendments thereto and declaring an emergency.

Recommendation:

It is recommended that City Council approve this ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of these new rates.

Background/Synopsis:

The Employees covered by the Municipal Court wage and salary ordinance are compensated on a Pay for Performance basis. There are no automatic increases or cost of living adjustment for these employees. While the adjustments to the pay grades are not designed to automatically trigger pay increases, periodic upgrades to the structure help to maintain the City's competitive position in the marketplace regarding employee retention, recruitment and succession.

The requested modifications are consistent with the City's periodic practice of maintaining parity for the non-classified pay structure with that of the City's bargaining units. In that regard, it is proposed that two positions in Court wage ranges be increased by 2.50%.

Financial Impact:

Funding is provided under the auspices of the approved 2019 Operating Budget.

Emergency Provision Explanation:

It is recommended that City Council approve this ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of these new rates.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Court Wage and Salary 2019

BACKGROUND/SYNOPSIS:

The Employees covered by the Municipal Court wage and salary ordinance are compensated on a Pay for Performance basis. There are no automatic increases or cost of living adjustment for these employees. While the adjustments to the pay grades are not designed to automatically trigger pay increases, periodic upgrades to the structure help to maintain the City's competitive position in the marketplace regarding employee retention, recruitment and succession.

The requested modifications are consistent with the City's periodic practice of maintaining parity for the non-classified pay structure with that of the City's bargaining units. In that regard, it is proposed that two positions in Court wage ranges be increased by 2.50%.

FINANCIAL IMPACT:

Funding is provided under the auspices of the approved 2017 Operating Budget.

EMERGENCY RECOMMENDATION EXPLANATION:

It is recommended that City Council approve this ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of these new rates.



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

Background/Synopsis: Please refer to specific Council Communications for a description of these items.

\$375,000 Prus Construction contract for 2019 Sidewalk/Apron Replacement Program

\$700,000 for 2019 Concrete Repair and Replacement

\$88,600 for theatrical dimming equipment replacement

Financial Impact: \$1,163,600

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. ContractualAppropriation.032519
2. Contractual 3-20-Ord



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

2019 Concrete Repair and Replacement Program

Legislation Title:

2019 Concrete Repair and Replacement Program

Recommendation:

The staff recommends that \$700,000.00 from the Street Improvement Fund be appropriated for the 2019 Concrete Repair and Replacement Work. **This is an appropriation only** - the multi-year contract was passed in 2018.

Background/Synopsis:

The majority of the expense in the concrete repair/replacement work is concrete curb and gutter, which is primarily associated with the asphalt overlay project. This is a unit price contract and exact quantities and individual streets for which work is to be performed are yet to be finalized.

The City will exercise our second year option with Prus Construction. Prus Construction was selected in 2018 under a competitive bid process. The quantities bid in 2018 were for the purposes of generating a fair and competitive bid.

City Council has historically approved funding for annual concrete repair and replacement work done in conjunction with the Annual Overlay Program.

The project is programmed in the 2018-2022 CIP as 8PW07.

This project is the replacement of deteriorated curb and gutter and other concrete work required prior to asphalt overlay installation. Additional maintenance of concrete throughout the City is also included in this appropriation. Concrete work done by other departments under this contract will be taken from other funding sources.

Financial Impact:

\$700,000.00 from the Street Improvement Fund.

Emergency Provision Explanation:

Not applicable.

Attachment: ContractualAppropriation.032519 (1168 : Contractual Appropriations)

Rule Suspension Requested:

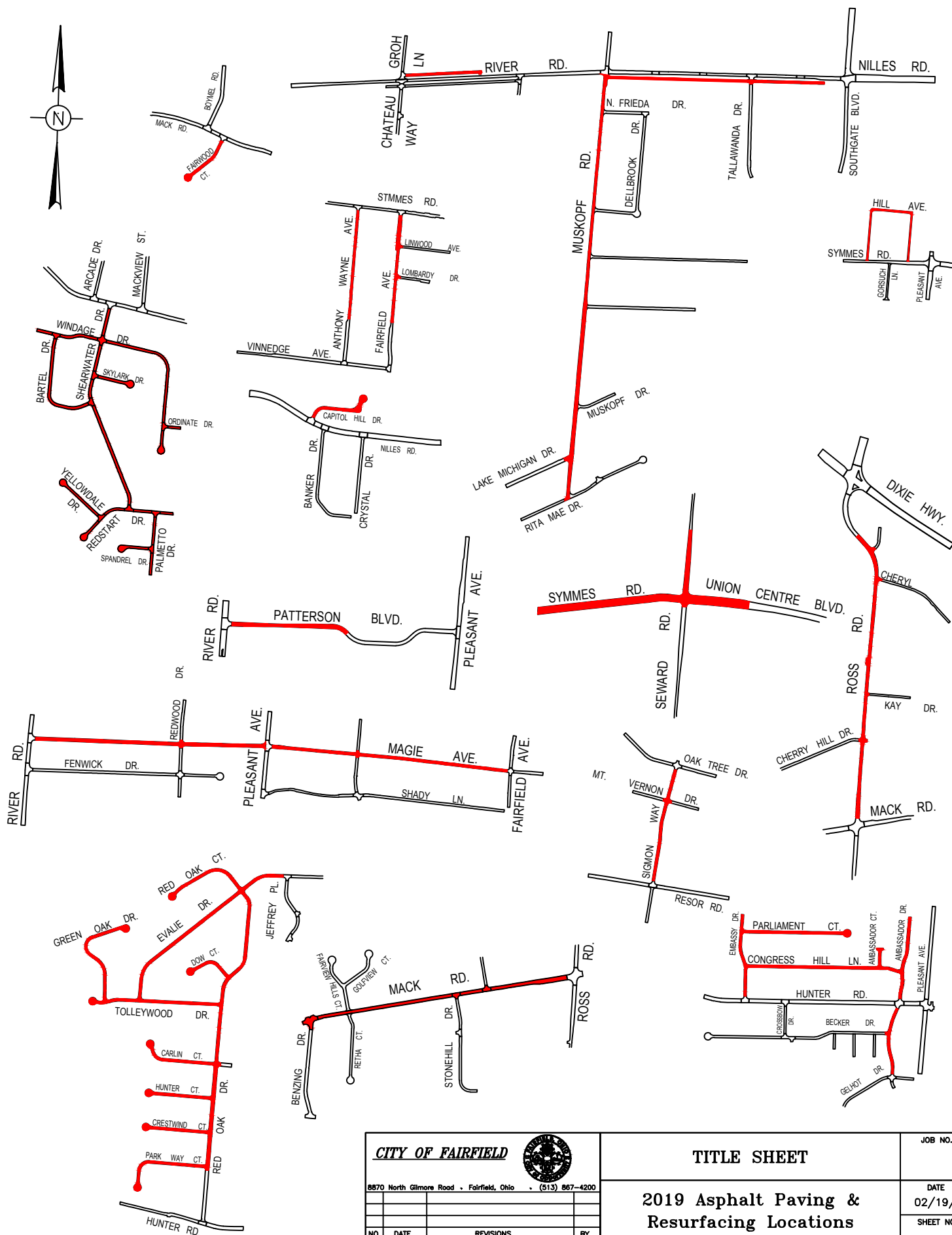
No

Emergency Provision Needed:

No

Attachments:

1. 2019 Overlay Streets



Attachment: ContractualAppropriation.032519 (1168 : Contractual Appropriations)

	
<u>CITY OF FAIRFIELD</u>	
8870 North Gilmore Road • Fairfield, Ohio • (513) 867-4200	
NO.	DATE
REVISIONS	
SCALE	DESIGN-LAYOUT
N.T.S.	NWC
DRAWN	CHECKED
NWC	BAM
BY	

TITLE SHEET		JOB NO.
2019 Asphalt Paving & Resurfacing Locations FAIRFIELD, OHIO		DATE 02/19/20
		SHEET NO. 1/1

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated General Fund	\$375,000
To:	10012523-233900 Other Professional Services (2019 Annual Sidewalk/Apron Replacement Program 9PW16)	\$375,000
From:	Unappropriated Street Improvement Fund	\$700,000
To:	40116025-252000 Improvements Other Than Building (2019 Concrete Curb Repair & Replacement Program 9PW07)	\$700,000
From:	Unappropriated Capital Improvement Fund	\$86,600
To:	40216025-252000 Improvements Other Than Building (Replace CAC Theater Dimming Equipment 9PR01)	\$86,600

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

Attachment: Contractual 3-20-Ord (1168 : Contractual Appropriations)

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Contractual 3-20-Ord

Attachment: Contractual 3-20-Ord (1168 : Contractual Appropriations)



City Council Ordinance
Regular Meeting - March 25, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Non-Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 127-18 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2019, and ending December 31, 2019.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

Background/Synopsis: Please refer to specific Council Communications for a description of these items.

\$26,000 for manhole castings

Financial Impact: \$26,000

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriation.032519
2. NonContractual 3-20-Ord



City Council Information Item Regular Meeting - March 25, 2019

Submitted by: Jason Hunold,
Submitting Department: Public Utilities

Subject:

Manhole Castings

Legislation Title:

Manhole Castings

Background/Synopsis: The funding is being requested as part of an on-going infrastructure improvement effort in conjunction with the Public Works Division's annual street overlay program. Existing manhole castings and covers were installed when the original Sanitary Collection System was constructed and are in need of replacement. Staff requested quotations from four vendors (copies attached) and recommends that the manhole castings be purchased from Core & Main which is the vendor who provided the lowest and best quotation.

Financial Impact: An appropriation in the amount of \$26,000.00 is being requested for the purchase of replacement manhole castings in conjunction with the City's 2019 street overlay program.

2019 Funding for this project was included in the approved 2018-2022 Capital Improvement Program (CIP) under project number 9WW01. The project is also included in the 2019-2023 CIP budget, pending City Council Approval. The funding source is the Sewer Replacement and Improvement Fund.

It is recommended that City Council authorize an appropriation in the amount of \$26,000.00 from the Sewer Replacement and Improvement Fund for the purchase of manhole castings necessary for the City's street overlay program.

Attachments:

1. Core & Main
2. Neenah
3. Ferguson
4. Fortiline



Bid Proposal for Fairfield castings

CUSTOMER	City of Fairfield wastewater 4799 Groh Lane fairfield, OH 45014	Job Fairfield castings Bid Date: 02/26/2019 Bid #: 850290
	Sales Representative Jarod Wuestefeld (M) 513-615-6783 (T) 513-942-1395 (F) 513-942-1396 Jarod.Wuestefeld@coreandmain.com	Core & Main 3165 Production Dr Fairfield, OH 45014 (T) 513-942-1395
CONTACT		
NOTES		

Attachment: NonContractualAppropriation.032519 (1166 : Non-Contractual Appropriations)



Bid Proposal for Fairfield castings

City of Fairfield wastewater
Bid Date: 02/26/2019

Core & Main 850290

Core & Main
 3165 Production
 Fairfield, OH 450
Phone: 513-942-13
Fax: 513-942-13

Seq#	Qty	Description	Units	Price	Ext Price
10	100	1600Z 7-1/4 FRAME ASPH COATED	EA	141.25	14,125.00
		00160014			
30	100	1600A SOLID COVER SAN SEWER	EA	113.50	11,350.00
		00160042			
Sub Total					25,475.00
Tax					0.00
Total					25,475.00

Branch Terms:

UNLESS OTHERWISE SPECIFIED HEREIN, PRICES QUOTED ARE VALID IF ACCEPTED BY CUSTOMER AND PRODUCTS ARE RELEASED TO CUSTOMER FOR MANUFACTURE WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THIS QUOTATION. CORE & MAIN LP RESERVES THE RIGHT TO INCREASE PRICES UPON THIRTY (30) CALENDAR DAYS' NOTICE TO ADDRESS FACTORS, INCLUDING BUT NOT LIMITED TO, GOVERNMENT REGULATIONS, TARIFFS, TRANSPORTATION, FUEL AND RAW MATERIAL COSTS. DELIVERY WILL COMMENCE BASED UPON MANUFACTURER LEAD TIMES. ANY MATERIAL DELIVERIES DELAYED BEYOND MANUFACTURER LEAD TIMES MAY BE SUBJECT TO PRICE INCREASES AND/OR APPLICABLE STORAGE FEES. THIS BID PROPOSAL IS CONTINGENT UPON BUYER'S ACCEPTANCE OF SELLER'S TERMS AND CONDITIONS OF SALE, AS MODIFIED FROM TIME TO TIME, WHICH CAN BE FOUND AT: <https://coreandmain.com/TandC/>

Attachment: NonContractualAppropriation.032519 (1166 : Non-Contractual Appropriations)

QUOTATION

Q402978

NEENAH
FOUNDRY COMPANY

CITY OF FAIRFIELD
WASTE WATER
4799 GROH LANE
FAIRFIELD OH 45014

 Shane Cotter
 513-426-1928
 shane.cotter@neenahenterprises.com

DATE: February 18, 2019

REFERENCE:

 Attn: Joe Hennies
 Phone #: (513) 858-7760

We are pleased to submit the following quotation in accordance with your request.

Quantity	Catalog No.	Description	Each Wt.	Price	Units
100 Sets	R-1767	FRAME, type A, machined seat, GI, 4 grn snd anch	132#	\$268.00	/Set
		SOLID PLATEN LD, type C, 'SANITARY SEWER',	154#		
		machined self-seal, GI, * perma-grip, 2 lift/42303			
		TOTAL OF 100 Sets R-1767		\$26,800.00	

***Priced as Delivered Complete in Single Shipment**
TOTAL ESTIMATED WEIGHT: 28,600 lbs
(Excluding Skids)

Neenah Foundry Terms & Conditions apply and are available by fax or mail upon request. Castings furnished unpainted. Quantities are approximate, changes could alter unit prices. Estimated shipping & handling based on above quantities shipping in one complete shipment. Any order submitted pursuant to this quotation shall not result in a contract until it accepted and acknowledged in writing by Neenah Foundry Company (SELLER).

Page 1 of 1

Prices are valid on orders entered within 30 days from date of quotation, with shipment at earliest availability. All orders are subject to review of buyer's credit status. Standard terms for qualified customers are Net 30 Days. Prices do not include tax. If tax exempt, a valid tax exemption certificate is required at time of order or any applicable tax will be charged.

NEENAH FOUNDRY COMPANY

BY _____

Shane Cotter

Sales

FOB DELIVERED

Price Quotation # B375346

FEI-FAIRFIELD, OH (F528)

8350 SEWARD RD
HAMILTON, OH 45011-8650

Phone : 513-942-2525

Fax : 513-942-2533

Bid No.....: B375346

Bid Date....: 02/15/19

Quoted By: MKP

Customer.: CITY OF FAIRFIELD
5021 GROH LANE
FAIRFIELD, OH 45014

Cust Phone: 513-867-5300

Terms.....: NET 10TH PROX

Ship To.....: CITY OF FAIRFIELD
5021 GROH LANE
FAIRFIELD, OH 45014

Cust PO#...: QUOTE ONLY

Job Name.: CASTING

Item	Description	Quantity	Net Price	UM	Total
E00160014	HD M/HOLE FRAME	100	147.030	EA	14703.00
E00160042	24 SAN SWR CVR SLD FAIRFIELD	100	118.260	EA	11826.00

Subtotal: \$26529.00

Inbound Freight: \$0.00

Tax: \$0.00

Order Total: \$26529.00

Attachment: NonContractualAppropriation.032519 (1166 : Non-Contractual Appropriations)

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Sewer Replacement and Improvement Fund	\$26,000
To:	62316025-252000 Improvements Other Than Buildings (Manhole Castings 9WW01)	\$26,000

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____	Mayor's Approval
Posted	_____		
First Reading	_____	Rules Suspended	_____
Second Reading	_____		
Third Reading	_____		

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\NonContractual 3-20-Ord

Attachment: NonContractual 3-20-Ord (1166 : Non-Contractual Appropriations)