

Paul A. Koomar, President of Council, Presiding
Pledge of Allegiance/ Dwight Clark, Councilman-at-large
Roll Call
Reading of Minutes – Special Meeting of Council – December 8, 2014

ANNOUNCEMENTS

Mayor Sutherland

Administer Oath of Office to the following recent appointees and promoted officers of the Bay Village Fire Department:

Lieutenant Corey Gregg (promoted from Firefighter)
Captain David Stump (promoted from Lieutenant)
Firefighter Jason Goodwin
Firefighter Shawn Janecek
Firefighter Eric Leitner
Firefighter Mark Obran

Mayor Sutherland

Reappointment of Patrick Graham to the Tree Commission for a one year term expiring January 1, 2016.

Reappointment of Scott Bruno to the Board of Zoning Appeals for a five year term expiring January 1, 2020.

Appointment of Warren Remein to the Planning Commission to complete the unexpired term of Richard Majewski ending August 17, 2018.

REPORTS

Mayor Sutherland	Director of Community Services Selig
Director of Law Ebert	Police Chief Spaetzel
Director of Finance Mahoney	Fire Chief Lyons
Director of Recreation Enovitch	
Director of Public Service Thomas	

COMMUNICATIONS

AUDIENCE

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Lee

FINANCE AND CLAIMS- Mr. Clark

Ordinance 14-102 authorizing the Mayor to enter into an Amended Agreement with the Life Force Management, Inc. for medical services provided by the Bay Village Fire Division, and declaring an emergency. (Second Reading 12-8-14) (First Reading 12-1-14)***Clark***

Ordinance 14-103 authorizing the Mayor to enter into an agreement with the Ohio Attorney General for Delinquent Debt Collection, and declaring an emergency. (Second Reading 12-8-14) (First Reading 12-1-14) ***Clark***

Ordinance 14-104 amending Codified Ordinance 921.02 regarding Sewer Rental Rates, and declaring an emergency. (Second Reading 12-8-14) (First Reading 12-1-14) ***Clark***

Ordinance 14-105 establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (Second Reading 12-8-14) (First Reading 12-1-14 amended by reading) ***Clark***

Ordinance 14-106 amending Codified Ordinance Section 181.36(b) regarding disbursement of Municipal Income Tax Funds, and declaring an emergency. (Second Reading 12-8-14) (First Reading 12-1-14) ***Clark***

Ordinance 14-107 to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2015. (Second Reading 12-8-14) (First Reading 12-1-14) ***Clark***

Ordinance No. 14-112 amending Section 1 of Ordinance 14-98 regarding rates of compensation for the officers and employees of the General Administration Department, and those employees of the City not covered by separate labor contract, for the Calendar Year 2015 and thereafter, and declaring an emergency. (Second Reading and Adoption) (First Reading 12-8-14, Amended by Reading)***Clark***

Ordinance repealing Ordinance 13-137 authorizing an agreement with Seeley Savidge Ebert and Gourash as the City's Human Resources Consultant, and declaring an emergency***Clark***

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Tadych

Motion to confirm the appointment by Mayor Sutherland of Patrick Graham to the Tree Commission for a one-year term expiring January 1, 2016

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

Motion to confirm Mayor Sutherland's appointment of Warren Remein to the Planning Commission to complete the unexpired term of Richard Majewski, ending August 17, 2018.

Agenda
Regular Meeting of Council
December 15, 2014

Motion to confirm Mayor Sutherland's appointment of Scott Bruno to the Board of Zoning Appeals for a five year term expiring January 1, 2020.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Henderson

Motion to remove Exercise Equipment at the Cahoon Memorial Park Walking Trail from Matters Pending before Council Committee List

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Vincent

Ordinance authorizing all actions necessary to effect an Opt-Out Natural Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code, directing the County Board Of Elections to submit a Ballot Question To The Electors (First Reading)

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Agenda
Regular Meeting of Council
December 15, 2014

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:00 p.m.

December 8, 2014

Paul A. Koomar, President of Council, Presiding

Present: Clark, Henderson, Koomar, Lee, Lieske, Vincent

Not Present: Mayor Sutherland, Mr. Tadych

Also Present: Law Director Ebert, Finance Director Mahoney, Recreation Director Enovitch, Community Services Director Selig, Police Chief Spaetzel, Fire Chief Lyons, Service/Safety Director Thomas, Operations Manager Landers.

President of Council Koomar called the meeting to order at 8:00 p.m. with a roll call and Pledge of Allegiance led by Dwight Clark, Councilman-at-large.

ANNOUNCEMENTS

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Pam Cottam, Marty Mace, Mike O'Boyle, Russell Thompson, Jeff Gallatin, Barb Galbincea, Richard Fink.

Conda Boyd referred to the ordinance on tonight's agenda establishing fees for outside legal services, and stated that it is not clear to her about the duties that the Law Director would normally do. For example, Mr. Ebert was kind enough to be at the Planning Commission meeting the other night. Is it his duty to attend Planning Commission meetings? Mr. Ebert responded that his duties as Law Director includes Council attendance and Boards and Commissions attendance when needed. Last week he was serving as Law Director at the Planning Commission meeting and also sitting in as the Mayor's representative to the Planning Commission to provide a quorum. He did not, however, participate in any decision making or cast any votes. His attendance is all part of Law Director/Acting Mayor or whatever the situation is with the City. He is not paid extra. When acting for the Mayor, it is part of his salary and he is not getting extra pay.

Ms. Boyd asked an example of outside legal services. Mr. Ebert stated that outside legal services are for litigation. Although the rate is quoted as \$170.00 per hour, his bills have been substantially lower than that because of discounting the rate. If someone sues the City, the defense cost is outside legal services. Mr. Lee stated that to the extent that there is correspondence before a law suit it filed, that would fall within the Law Director's compensation, and not additional legal services. Mr. Ebert agreed, and stated that until a law suit is filed it is still part of the Law Director's duties. For example, there are two disputes going on

at the present time that are classified as potential litigation. That is charged to his normal salary as Law Director.

Mr. Henderson stated that he tends to agree that the language in the proposed ordinance feels lighter than necessary to help understand what is really in the ordinance. He would prefer to see a more delineated list, perhaps bullet points or a numbered list, with the exact kinds of duties that fall into the Law Director role, the outside counsel role, and the Acting Mayor role. It would be helpful to know which duties are in each of those three major roles, and how the time is allocated.

Mr. Ebert suggested that the ordinance not be introduced this evening. The ordinance was removed from tonight's agenda.

Mr. Vincent stated that there was some very good detail presented this evening from the Police Chief regarding comparable cities such as Aurora and Brecksville. He stated this would help him understand where Bay Village is compared to Aurora, Brecksville, and neighboring communities when analyzing the proposed ordinance for outside legal services. Mr. Ebert agreed to provide that information.

Mr. Koomar clarified that the information provided when the ordinance returns will include a list of those duties of the Law Director and what is included in outside legal services. For example, prior to filing of a suit, that would be the Law Director's duties. After that, these are the types of duties covered as outside legal. Mr. Vincent stated that Mr. Koomar's statement is correct. Also, is outside legal typically an action by a party that has no real relation to the City, outside of whatever the dispute is, for example, workers compensation suits within the City are Law Director's duties. Mr. Ebert stated that some are, and some aren't. Mr. Ebert will define that information for Mr. Vincent. He noted that normally the fees are for contested claims against the City to an administrative agency or an agency that has enforceability; a third party that makes the decisions.

Lydia DeGeorge asked the next step in the process for the Civilian Dispatch plan discussed at the Environment, Safety and Community Services Committee meeting this evening. Mr. Lee stated that the Environment and Safety Committee will review the materials received from the Police Chief. Those materials will be posted to the City's web site. An additional Environment, Safety and Community Services Committee will be held. After the proposal is thoroughly vetted, it will be presented to the Council of the Whole and there will be a vote as to whether the plan will go forward as presented, or go forward as modified. The committee will try to do this fairly quickly so the Police Chief can plan accordingly.

Pam Cottam asked if the jobs will be posted. Finance Director Mahoney stated that the positions would have to be approved in a compensation ordinance. That will take three readings. We would then have to talk about posting or Civil Service. Mr. Lee noted that he assumes the Police Chief would prepare the job descriptions and once the compensation ordinance was placed on reading he would be in a position to advertise.

Mr. Mike O'Boyle stated that at the Town Hall Meeting hosted by Councilman Henderson and

Councilman Tadych recently, there was discussion about a proposal for microphones for the Council Chambers. Mr. O'Boyle asked the status of this proposal. Mr. Koomar stated that quotations have been received. Law Director Ebert and Service Director Thomas have been in on the discussions. There are some community groups that have expressed interest in donating to the project. We are in the process of getting some final quotations. In the latest version of the proposal there would be two sets of speakers in the Chambers and accommodations for audience members to be heard. The goal would include having the audio streamed to the City's website. Mr. Clark added that the cost of the system is included in the capital component of the City's budget, subject to outside funding assistance to help implement the initiative.

Mr. Koomar thanked Police Chief Spaetzel for the effort he put into the Reorganization Plan for the Police Department. He stated that the report compiled by Chief Spaetzel is a wonderful starting point, answers a lot of questions, and provides a good foundation for moving forward.

Mr. Koomar called for a reading of the minutes of the Special Meeting of Council held December 1, 2014. **Motion by Clark** to dispense with the reading of the minutes and approve the minutes of the Special Meeting of Council held December 1, 2014 as prepared and distributed.

Motion passed 6-0- and 1 abstention.

Motion by Clark, to acknowledge receipt of the **November**, 2014 Financial Reports from Director of Finance Renee Mahoney.

Motion passed 6-0.

Mr. Clark read **Ordinance No. 14-98** amending Section 1 of Ordinance No. 14-97 regarding Rates of Compensation for the Officers and Employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2015 and thereafter, and declaring an emergency, and moved for adoption. (First Reading 11-10-14; Second Reading 11-17-14) (Human Resource Manager).

Mr. Henderson expressed that he was disappointed in the past year that the City did not get any farther on performance evaluations and pay with the contract for HR Services that was procured. Mr. Henderson stated that it is his expectation that by creating and funding this position we will see job descriptions and goals against those job descriptions, performance reviews against those goals, and work towards a performance based evaluation system in the future that will tie compensation to performance. Mr. Henderson stated further that this is one of the main reasons he is supporting this additional funding.

Mr. Koomar stated that he had an opportunity to talk to the Mayor and looking at the compensation structure, we may really want to get that person on board first and allow them to do some work, and obviously head in that general direction and see what fits for the City of Bay Village and the public sector. It would be great after Memorial Day, before summer recess, if we had an update on the process. The person is going to need a little bit of time. The Mayor

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confirmed in her discussions with Mr. Koomar that a mid-year update on the progress being made would not be a problem.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-98.

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Vincent

Nays -None

Roll Call on Adoption:

Yeas–Clark, Henderson, Koomar, Lee, Lieske, Vincent

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-98, an emergency measure, by a vote of 6-0.

Mr. Clark read **Ordinance 14-102** authorizing the Mayor to enter into an Amended Agreement with Life Force Management, Inc. for medical services provided by the Bay Village Fire Division, and declaring an emergency. (Second Reading) (First Reading 12-1-14).

Ordinance No. 14-102 was placed on second reading.

Mr. Clark read **Ordinance 14-103** authorizing the Mayor to enter into an agreement with the Ohio Attorney General for Delinquent Debt Collection, and declaring an emergency. (Second Reading) (First Reading 12-1-14).

Ordinance No. 14-103 was placed on second reading.

Mr. Clark read **Ordinance 14-104** amending Codified Ordinance 921.02 regarding Sewer Rental Rates, and declaring an emergency. (Second Reading) (First Reading 12-1-14)

Ordinance No. 14-104 was placed on second reading.

Mr. Clark read **Ordinance 14-105** establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (Second Reading) (First Reading 12-1-14 amended by reading)

Ordinance No. 14-105 was placed on second reading.

Mr. Clark read **Ordinance 14-106** amending Codified Ordinance Section 181.36(b) regarding disbursement of Municipal Income Tax Funds, and declaring an emergency. (Second Reading) (First Reading 12-1-14)

Ordinance No. 14-106 was placed on second reading.

Mr. Clark read **Ordinance 14-107, amending by reading to reflect the complement of officers in the Police Department from 24 officers to 23 officers, to make appropriations for**

Special Meeting of Council
December 8, 2014

the current and other expenditures of the City of Bay Village for the Fiscal Year 2015. (Second Reading) (First Reading 12-1-14). The amendment by reading reduces the General Fund, Personnel Services, from the \$6,970,962 down to \$6,901,462, or a reduction of \$69,500, and a reduction in the Police Pension Fund by a total of \$9,400.

Ordinance No. 14-107 was placed on second reading, as amended.

Mr. Clark read Ordinance 14-112 amending Section 1 of Ordinance 14-98, amending by reading No. 6, Director of Law, the salary for January 1, 2015 and thereafter shall remain as \$70,878 per year, regarding rates of compensation for the officers and employees of the General Administration Department, and those employees of the City not covered by separate labor contract, for the Calendar Year 2015 and thereafter, and declaring an emergency. (First Reading).

Ordinance No. 14-112 was placed on first reading, as amended.

Mr. Lee asked the significance of the heading in the first column in the ordinance stating compensation "November 10, 2014 and thereafter." He asked if the date should be the same when taking into consideration the amendment to the ordinance this evening. Law Director Ebert stated that the date of November 10, 2014 reflects back to the passage of the ordinance for the Assistant Director of Community Services.

Item No. 14 was removed from this evening's agenda.

Mr. Koomar stated that it is hoped to pass all of the pending legislation on December 15, 2014. The plan of Council is to be off on December 22, 2014, subject to change, so that everyone can enjoy the holiday with their families.

There being no further discussion, the meeting adjourned at 8:25 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

WARREN L. REMEIN
23717 Russell Road
Bay Village, Ohio 44140
440-724-1578 Cell 440-835-2963 Home
wlremein@yahoo.com

Qualifications

Accessible and enthusiastic manager dedicated to promoting sustainability, advancing planning locally and regionally, and promoting sustainable improvements in local building construction. Proven experience with project expediting, budgeting, estimating, bidding, cost management and value development. Extensive experience with national codes, real estate, due diligence, contracts, and construction systems. Driven to attain key goals through verbal and written communication. Strong supporter of law driven social contract.

Key Accomplishments

Managed complex in-place (occupied) renovations of three-floor office, saving \$350,000 single year lease term savings by recovering and converting storage to offices, reducing overdesign to meet \$400k budget reduction by fast tracked expansion (Akron)

Achieved a \$300,000 savings through tight construction management and overcame 3 month leasing delay to meet delivery date for a \$1.6 million forced financial office relocation for international financial group in high rise office (Cincinnati).

Successful oversight of new west coast paint warehouse ground up design and construction; overcame lease and rain delays to achieve targeted early occupancy and delivery. Successful delivery of city and state hazardous materials requirements and permitting.

Produced prototype drawings and specifications, and estimating standards used for successful completion of hundreds of retail and office facilities across the country, Alaska and 2 provinces of Canada. (Fortune 100 paint manufacturer and retailer).

Created Access database to track critical dates, generate monthly status report and track annual and total costs for multi project facility expansion program. Status report used to coordinate cross functional team across national geographic areas.

Managed multiple small projects simultaneously with responsibility for expenditure of capital budgets. New facilities generated new sales of \$20 million annually. Value engineered retail/office projects in 3 major metro markets in Ohio and Pennsylvania. Returned up to 10 times fee in savings.

PROFESSIONAL EXPERIENCE

June 2009 to current - Consultant providing project management services. Providing estimates and comparative bids for various commercial businesses including building supply and health equipment companies. Provided small local contractor expertise in contract documents, developing project management techniques, and tenant finish projects and in developing safety and contract forms.

2006 - 2009 Jones Lang LaSalle, Americas, Inc., (The Staubach Company 2006 to 2008, merged with Jones Lang LaSalle in July 08). Value driven *Project Manager*, managed project teams including legal, real estate, construction, and design members with eye to consensus and problem

solving. Relevant Clients included NASA, Charles Schwab, Time Warner, Legg Mason, Eaton Corp , Philips Healthcare, Axo Nobel, PesiCo and others.

Prior experience: The Sherwin-Williams Company Midwestern Division, *Director Engineering & Construction* , GS Rider Architects, and Faragher and MaComber Architects- Project Designer and Manager. Relevant clients included US Air Force Office, US Army Corps of Engineers , NASA , and various public government agencies and schools in New York and Ohio.

LEADERSHIP

Directed, trained and coached Engineering and Construction staff in support of facilities growth. Effective manager for project allocation, construction payments and department budget. Expedited high speed review of purchase documents for due diligence for brokerage firm.

PLANNING and BUILDING DESIGN

Worked with developers, clients, contractors and planning departments to meet and enhance property values, comply with complex development projects and ensure functional vehicular access, handicap accessibility, and maximize energy efficiency. Developed specifications, drawings, color design, and selected equipment and furnishings. Produced documents for architects, owners and contractors including new and renovation projects. Used LEED passive solar and energy savings concepts in recreational, office, and institutional projects.

PROJECT & PROPERTY MANAGEMENT

Responsible for construction in 47 states and western Canada. Accurate annual budgets for 16 state division of Fortune 100. Issued and administered contracts, conducted project meetings, validated payments, mediated conflicts, and certified completion of work. Maintained 200 properties including grounds, trash, utilities, tenant finish, lighting, roof replacement, and underground tank removal.

EDUCATION/ PROFESSIONAL DEVELOPMENT/AFFILIATIONS

Bachelor of Architecture, Kent State University, Kent, OH, Currently enrolled at Cleveland State University in Language (Spanish). Accredited certifications include NFPA Sprinkler Systems Design; Hazardous Waste Management Trainer,

Functional Disciplines: AutoCAD; Microsoft: Word, Excel, Project, Access, PowerPoint, Publisher; Adobe Acrobat Pro; Sharepoint PM for JLL; LEEDS- AP review through TES Engineering.

Affiliations : Western Reserve Historical Society, City of Bay Village Green Team (Sustainability). Past member of National Fire Protection Association (NFPA), International Code Council (ICC), Building Officials And Code Administrators, past Asst Scoutmaster.

ORDINANCE NO. 14-102
INTRODUCED BY: Mr. Clark

First Reading 12-1-14
Second Reading 12-8-14

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED
AGREEMENT WITH LIFE FORCE MANAGEMENT, INC. FOR MEDICAL
SERVICES PROVIDED BY THE BAY VILLAGE FIRE DIVISION,
AND DECLARING AN EMERGENCY**

WHEREAS, Council entered into an Agreement with Life Force Management, Inc. establishing service and support charges provided by the Bay Village Fire Division by Ordinance No. 12-04 passed February 6, 2012; and

WHEREAS, it is the desire of this Council and City Administration to establish new rates for all EMS Services;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor be and she is hereby authorized to enter into an Amended Agreement with Life Force Management, Inc. for services regarding billing and charges for medical services per incident provided by the Bay Village Fire Division effective upon passage of legislation as follows:

Basic Life Support (BLS) Emergency	\$650.00
Advanced Life Support (ALS) 1 Emergency	\$750.00
ALS2 Emergency	\$850.00
BLS/ALS Mileage	\$ 14.00/mile
Oxygen Administration	\$20.00
Treatment but no Transport	\$175.00

SECTION 2. That Ordinance 12-04 is hereby amended.

SECTION 3. That funds collected by Life Force Management for the City of Bay Village shall be deposited into the General Fund.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that billing for said medical service transport be amended effective immediately, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11-26-14 II

ORDINANCE NO. 14-103
INTRODUCED BY: Mr. Clark

First Reading 12-1-14
Second Reading 12-8-14

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
WITH THE OHIO ATTORNEY GENERAL FOR DELINQUENT DEBT COLLECTION,
AND DECLARING AN EMERGENCY.**

WHEREAS, the Attorney General of Ohio will undertake the collection of delinquent debt owed to political subdivisions in Ohio pursuant to O.R.C. §131.02; and

WHEREAS, the Mayor and Director of Finance have recommended that the City enter into an agreement with the Attorney General for collection of delinquent ambulance debt for non-residents of the City;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1: That the Mayor be and she is hereby authorized and directed to enter into an agreement with the Ohio Attorney General for the collection of delinquent ambulance debt for non-residents of the City, which agreement is attached hereto as Exhibit "A", with such changes as may be made by the Director of Law without changing the substance thereof.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to cause said charges to be certified for collection in order to make funds available to the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

11/26/14 II



MIKE DEWINE

— * OHIO ATTORNEY GENERAL * —

Collections Enforcement
Office 614-466-8360
Fax 614-752-9070

150 East Gay Street, 21st Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND

I. PARTIES

- 1.1. THIS DELINQUENT DEBT COLLECTION AGREEMENT (this "Agreement") is between the Ohio Attorney General (hereinafter "Attorney General") and _____ ("Political Subdivision"), collectively referenced herein as the "Parties."

II. PURPOSE

- 2.1. The Political Subdivision has requested that the Attorney General undertake, and the Attorney General agrees to undertake, the collection of delinquent debt owed to the Political Subdivision, pursuant to Ohio Revised Code ("O.R.C.") § 131.02. This Agreement sets forth the rights, duties and obligations of the Parties and the amounts to be charged, collected and allocated between the Political Subdivision and Attorney General. This Agreement will become effective in ten business days once fully executed ("Effective Date").

III. CERTIFICATION OF DEBT

- 3.1. The Parties agree that this Agreement shall apply to amounts owed to Political Subdivision that meet the criteria specified on the attached Exhibit "A" (hereinafter the "Debt"). The Parties may, from time to time, change the categories of debt to be certified to the Attorney General by amending Exhibit "A" pursuant to the discretion of the Section Chief of the Collections Enforcement Section of the Attorney General and _____ of the Political Subdivision. Such changes to the categories of debt identified on Exhibit "A" shall not be construed as an amendment or termination of this Agreement.

- 3.2. Political Subdivision hereby warrants that all Debts certified to the Attorney General for collection pursuant to this Agreement are or will be legally due and owing to Political Subdivision at the time of certification.

- 3.3. Political Subdivision hereby warrants that it has complied or will comply with all conditions precedent to the legality of certifying the Debt for collection prior to certifying the Debt to Attorney General pursuant to this Agreement.

3.4. Political Subdivision hereby warrants that it has obtained the approval of any person or entity whose approval is required as a condition to entering into this Agreement. True and correct copies of any such approvals shall be attached hereto as Exhibit "B."

3.5. Political Subdivision shall identify and itemize the amounts owed in any bills or mailings issued to the debtors prior to certifying the Debt pursuant to this Agreement. Such itemization shall separately identify penalties, fees, costs and interest, if any, added to the principal balance of the amounts owed. For all Debt certified under this Agreement, Political Subdivision shall maintain account records documenting the principal balance of the amounts owed, as well as any penalties, fees, costs and interest, from the date such debt becomes due and owing to Political Subdivision until the debt is paid in full, resolved or written off as specified herein.

3.6. Political Subdivision shall make all account records related to the Debt fully available to specified Attorney General personnel in order for the Attorney General to actively identify and pursue collection activities. Political Subdivision shall retain account records related to the Debt so long as the Debt remains outstanding, or until the Debt is resolved or written off as specified herein.

3.7. Political Subdivision agrees and shall forward all payments received on certified Debt to the Attorney General. In the event that Political Subdivision accepts a debtor's payment on Debt certified to the Attorney General, Political Subdivision agrees to promptly notify the Attorney General of the details of the payment, including date, amount, remitter, check or instrument number and forward the payment to the Attorney General.

3.8. In the event that any debtor owing Debt certified to the Attorney General files bankruptcy or other insolvency proceeding, Political Subdivision shall immediately notify the Attorney General of such filing. The Attorney General shall cease all collection efforts with regard to such Debt. Political Subdivision remains exclusively and solely responsible for protecting its interest in bankruptcy & other insolvency proceedings. Upon notice that Debt certified to the Attorney General is subject to bankruptcy or other insolvency proceeding, the Attorney General shall close the affected accounts and such accounts shall no longer be considered to be certified to the Attorney General. Other insolvency proceeding may include but is not limited to receivership or foreclosure.

IV. ALLOCATION OF FEES AND COLLECTION COSTS

4.1 The client may choose for each account certified to the Attorney General to bear interest (hereinafter "AGI") at the annual rate established by the Tax Commissioner under O.R.C. § 5703.47. Upon recovery AGI is paid to Political Subdivision, not to Attorney General. AGI may be waived, either by Political Subdivision or the Attorney General. Political Subdivision also has discretion to request that AGI not be assessed as an additional obligation of debtors. If this request is indicated, the cost of AGI will not be added to the Debt. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision as to AGI. If no preference is indicated, Attorney General may waive AGI at its discretion, and the addition of AGI to the Debt will increase the debtors' obligation. The AGI is in place of any separate accruing interest of the Political Subdivision on the Debt once certified to the Attorney General.

4.2 Pursuant to O.R.C. § 131.02, the Attorney General is authorized to deduct the Attorney General's collection cost from all amounts collected, calculated upon all certified amounts recovered, plus interest and fees accruing from the date of certification to Attorney General. Attorney General collection costs may be waived, either by the Attorney General or jointly by the Political Subdivision and the Attorney General. The Parties agree that the Attorney General will pass all Attorney General collection costs on to the debtor as an additional obligation of debtor. The Attorney General collection cost is 10% pursuant to O.R.C. § 109.08.

4.3 Upon agreement, the Attorney General may also hire third party vendors to collect claims for Political Subdivision and to pay such third party vendors for their services ("TPV Fees") from funds collected by them. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision with respect to the assignment of Debt to TPVs. If no preference is indicated the Attorney General will assign Debt to TPVs in accordance with an established assignment strategy. TPV fees shall be paid at rates set by the Attorney General. The Parties agree that the Attorney General will pass all TPV Fees on to debtors as an additional obligation of the debtors.

4.4 Upon agreement the Attorney General may appoint special counsel to collect claims for Political Subdivision and to pay such special counsel for their services ("Special Counsel Fees") from funds collected by them. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision with respect to the assignment of Debt to Special Counsel. If no preference is indicated the Attorney General will assign Debt to Special Counsel in accordance with an established assignment strategy. Special Counsel Fees shall be paid at rates set by the Attorney General. The Parties agree that the Attorney General will pass all Special Counsel Fees on to debtors as an additional obligation of the debtors.

4.5 Political Subdivision may execute a different Service Level Agreement for each category of debt certified pursuant to this Agreement, and each Service Level Agreement shall be attached as additional pages of Exhibit "C."

4.6 Political Subdivision may change or terminate the Service Level Agreement(s) attached hereto as Exhibit "C" upon appropriate written notice as specified therein, and any change or termination of the Service Level Agreement(s) shall not be construed as an amendment or termination of this Agreement.

V. DISBURSEMENT PROCESS/PAYMENT OF COLLECTION COSTS

5.1 On a weekly basis the Attorney General shall disburse to the Political Subdivision the full amounts collected on the Debt minus any applicable collection costs or fees as outlined herein. The Political Subdivision and Attorney General shall have the authority to settle or compromise any account in the Debt which is agreed upon by the Political Subdivision and Attorney General as payment in full based on the best interests of the Parties. At the time of the Attorney General's disbursement to the Political Subdivision, the Political Subdivision will receive the amount collected minus the Attorney General's collection costs and any applicable TPV Fees or Special Counsel Fees pursuant to this Agreement.

5.2 The Parties agree that court cases and judgment liens shall not be dismissed or deemed satisfied without the Political Subdivision's consent that all the fees have been paid by the debtor liable for costs under the court case and/or judgment lien.

5.3 Disbursements to the Political Subdivision of amounts due hereunder may be made via state check or by Automated Clearing House ("ACH") deposit, at the Attorney General's discretion. Political Subdivision acknowledges that the Attorney General prefers to remit all payments by ACH deposit, and Political Subdivision agrees to execute an ACH payment authorization in accordance with the form attached hereto as Exhibit "D" within thirty (30) days after the Effective Date of this Agreement.

VI. CERTIFICATION AND CANCELLATION OF DEBT

6.1. Political Subdivision will certify only Debt to the Attorney General which is past due and final, in accordance with O.R.C. § 131.02(A). O.R.C. § 131.02 provides that the Attorney General and Political Subdivision may determine an appropriate time beyond the regular 45-day requirement to certify delinquent debt. Such exceptions may be made as the Attorney General and the Political Subdivision mutually agree are appropriate.

6.2. The Parties acknowledge and agree that O.R.C. §131.02 empowers the Attorney General to, with the consent of the chief officer of an entity reporting a debt, cancel the debt or cause the same to be canceled. O.R.C. § 131.02(F)(2) provides a general statute of limitations of forty (40) years from the date of certification to collect claims. O.R.C. § 131.02(F)(1) allows the Attorney General to cancel uncollectible claims earlier, with the approval of the Political Subdivision. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision. If no preference is indicated, the write off period will be fifteen (15) years after the date of certification. Exceptions revising the write off period for specified claims or categories of debt may be agreed to by the Attorney General and the Political Subdivision as amendments to the Service Level Agreement, and such amendments shall not be construed as an amendment or termination of this Agreement.

VII. CONFIDENTIALITY

7.1. Any confidential debtor information made available to Attorney General in the course of performance of this Agreement shall be used only for the purpose of carrying out the provisions of this Agreement pursuant to the Attorney General's statutory obligations. Additionally, the Attorney General shall not sell any debtor information to any third parties.

VIII. LIABILITY

8.1. Each Party shall be responsible for its own acts and omissions and those of its officers, employees and agents.

IX. CHOICE OF LAW

9.1. This Agreement is made and entered into in the State of Ohio and shall be governed and construed in accordance with the laws of Ohio. Any legal action or proceeding related to this Agreement shall be brought in Franklin County, Ohio, and the Parties irrevocably consent to jurisdiction and venue in Franklin County, Ohio.

X. COMPLIANCE WITH LAW

10.1. The Parties, in the execution of their respective duties and obligations under this Agreement, agree to comply with all applicable federal, Ohio and local laws, rules, regulations and ordinances.

XI. RELATIONSHIP OF THE PARTIES

11.1. It is fully understood and agreed that a Party's personnel shall not at any time, or for any purpose, be considered as agents, servants, or employees of the other Party.

11.2. Except as expressly provided herein, neither Party shall have the right to bind or obligate the other Party in any manner without the other Party's prior written consent.

XII. MODIFICATION

12.1. This Agreement constitutes the entire agreement between the Parties, and any changes or modifications to this Agreement shall be made and agreed to by the Parties in writing.

XIII. TERMINATION/EXPIRATION

13.1. Either party may terminate this Agreement for any reason by giving written notice, at least forty-five (45) days in advance of the date of termination, to the other Party via e-mail, facsimile transmission, mail, certified mail or personal delivery to the other Party's signatory to this Agreement.

13.2. If there is pending litigation in connection with any Debt, termination shall not be effective until the Attorney General terminates the legal representation in the litigation matter. The Attorney General shall be compensated for Debt collected and received prior to termination. The Parties agree to cooperate so as to effectuate a speedy and efficient transfer of the work to Political Subdivision.

XIV. SIGNATURES

14.1. The Parties may submit their signatures to the Agreement in counterparts, which taken together will constitute a valid enforceable Agreement. Facsimile or copied signatures shall be considered valid and enforceable.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed, as of the day and year last written below.

ACCEPTED AND APPROVED:

_____ Date

OHIO ATTORNEY GENERAL
MICHAEL DEWINE

By: _____

Lisa J. Iannotta
Section Chief

_____ Date

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE 921.02 REGARDING SEWER
RENTAL RATES, AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 921.02 which presently reads as follows:

“921.02 RENTAL RATES.

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City’s water system or any other public or private water system and which are capable of being connected to the City’s sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

Rates in Effect for:	<u>1/1/2014 & Thereafter</u>
<u>User Class</u>	
(a) Single-family	<u>\$335.00/yr</u>
(b) Double-family	<u>420.00/yr</u>
(c) Apartments	
2 bedroom or more	<u>214.00/yr</u>
1 bedroom or less	<u>130.00/yr</u>
(d) Commercial	<u>30.03/MCF</u>
(e) Industrial	<u>30.03/MCF</u>

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

be and the same is amended to read:

“921.02 RENTAL RATES.

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City’s water system or any other public or private water system and which are capable of being connected to the City’s sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

Rates in Effect for:	<u>1/1/2015 & Thereafter</u>
<u>User Class</u>	
(a) Single-family	<u>\$360.00/yr</u>

(b)	Double-family	<u>445.00/yr</u>
(c)	Apartments	
	2 bedroom or more	<u>239.00/yr</u>
	1 bedroom or less	<u>155.00/yr</u>
(d)	Commercial	<u>30.03/MCF</u>
(e)	Industrial	<u>30.03/MCF</u>

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

and present Section 921.02 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of anycommittee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary for the daily operation of the Finance Department, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11-6-14 II

ORDINANCE NO. 14-105
INTRODUCED BY: Mr. Clark

First Reading 12-1-14
Second Reading 12-8-14

AN ORDINANCE
ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE
COLLECTION FEE, AND DECLARING AN EMERGENCY.

WHEREAS, the effective date for the refuse fee was re-established through December 31, 2014 by Ordinance 13-120 passed December 16, 2013; and

WHEREAS, it is the desire of Council and the Administration of the City of Bay Village to continue the refuse collection fee through 2015;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Section 2 of Ordinance 13-120 passed December 16, 2013 is hereby repealed.

SECTION 2. The fee established in Section 923.01 shall be effective through December 31, 2015.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to make these fee adjustment, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

10-1-14 11

ORDINANCE NO. 14-106
INTRODUCED BY: Mr. Clark

First Reading 12-1-14
Second Reading 12-8-14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 181.36(b) REGARDING
DISBURSEMENT OF MUNICIPAL INCOME TAX FUNDS,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 181.36(b) which presently reads as follows:

“(b) The balance remaining after payment of the expenses referred to in subsection (a) hereof, effective **January 1, 2014**, shall be deposited as follows:

98% in General Fund
2% in the Accrued Benefits Fund”

be and the same is hereby amended to read:

“(b) The balance remaining after payment of the expenses referred to in subsection (a) hereof, effective **January 1, 2015**, shall be deposited as follows:

98% in General Fund
2% in the Accrued Benefits Fund”

and present Subsection 181.36(b) is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide a formula for deposits to facilitate bookkeeping procedures, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

10-1-14 11

AN ORDINANCE
**AMENDING SECTION 1 OF ORDINANCE 14-98 REGARDING RATES OF
 COMPENSATION FOR THE OFFICERS
 AND EMPLOYEES OF THE GENERAL ADMINISTRATION DEPARTMENT AND
 THOSE EMPLOYEES OF THE
 CITY NOT COVERED BY SEPARATE LABOR CONTRACT FOR THE CALENDAR
 YEAR 2015 AND THEREAFTER,
 AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That January 1, 2015 the compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

	November 10, 2014 and thereafter	January 1, 2015 and thereafter
1. Director of Finance	\$91,555	\$93,386
2. Assistant Finance Director	\$66,385	\$67,713
3. Accounts Payable Coordinator	\$17.23 – \$19.73 per hour	\$17.57 – \$20.12 per hour
4. Part-time Human Resources Administrator	0.00	28.00 per hour
5. Part-time Clerical	\$11.45 – \$15.60 per hour	\$11.68 – \$15.91 per hour
6. Director of Law	\$70,878	\$70,878
7. Prosecutor	\$33,257	\$33,922
8. Dir. Public Service & Properties	\$88,740	\$90,515
9. General Foreman	\$71,985	\$73,425
10. Supervisor	\$74,005	\$75,485
11. Sewer Collections Foreman	\$58,000	\$59,160
12. Infrastructure Manager	\$63,000	\$64,260

13. Property Maintenance Inspector	\$58,000	\$58,000
14. Projects Coordinator	\$30.00 per hour	\$30.60 per hour
15. Part-time	\$7.95 – \$16.88 per hour	\$7.95 – \$17.22 per hour
16. Seasonal	\$7.95 – \$16.31 per hour	\$7.95 – \$16.64 per hour
17. Director of Recreation	\$71, 923	\$73,361
18. Asst. Recreation Director	\$42,289	\$43,135
19. Assistant to Mayor	\$44,617	\$45,509
20. Clerk of Council	\$49,225	\$50,210
21. Fire Chief	\$98,886	\$100,864
22. Police Chief	\$98,886	\$100,864
23. Deputy Police Officer		
Start	\$22.43 per hour	\$22.88 per hour
After 2080 hours	\$24.93 per hour	\$25.43 per hour
After 4160 hours	\$28.25 per hour	\$28.82 per hour
After 6240 hours	\$32.19 per hour	\$32.83 per hour
24. School Guard	\$9.61 – \$13.89 per hour	\$9.61 – \$14.17 per hour
25. Jailer/Matron	\$13.89 per hour	\$14.17 per hour
26. Director of Community Services	\$58,000	\$58,000
27. Assistant Director of Community Services	\$35,000	\$35,000
28. Senior Van Driver	\$8.94 – \$12.30 per hour	\$8.94 – \$12.55 per hour
29. Safety Director	\$5,000	\$5,000

The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee shall be paid fifty dollars (\$50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 of Ordinance 14-98 is hereby repealed.

SECTION 2. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ORDINANCE NO:
INTRODUCED BY:

AN ORDINANCE
**REPEALING ORDINANCE NO. 13-137 AUTHORIZING AN AGREEMENT
WITH SEELEY SAVIDGE EBERT AND GOURASH AS THE CITY'S
HUMAN RESOURCES CONSULTANT,
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance No. 14-98 was adopted on December 8, 2014, establishing the rate of compensation for a Human Resources Administrator.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Ordinance 13-137 entitled "Authorizing an Agreement with Seeley Savidge Ebert and Gourash as the City's Human Resources Consultant" which presently reads:

"SECTION 1. That Council hereby authorizes the Mayor to retain the firm of Seeley, Savidge, Ebert and Gourash for Human Resource Consulting. Until terminated or modified, the firm shall receive a monthly retainer fee of One Thousand, Two Hundred Dollars (\$1,200.00) for utilizing their Human Resource Consultant (Jazmyn Stover) for the City as needed by the City, which is expected to average approximately two (2) days per week, two (2) hours per day."

be and the same is hereby repealed in its entirety.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberation of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide a part-time human resources administrator, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

12/10/14 II

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT
NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26,
OHIO REVISED CODE, DIRECTING THE COUNTY BOARD OF ELECTIONS TO
SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND
DECLARING AN EMERGENCY**

WHEREAS, under Section 4929.26, Ohio Revised Code, the City of Bay Village, Ohio (the "City") is authorized to establish an opt-out natural gas aggregation program for the benefit of natural gas consumers located within the incorporated areas of the City;

WHEREAS, under Section 4929.26, Ohio Revised Code, the City may exercise such authority jointly with other political subdivisions in the State of Ohio;

WHEREAS, governmental aggregation provides an opportunity for natural gas consumers collectively to participate in the potential benefits of natural gas deregulation through lower gas rates which they would not otherwise be able to have individually;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. This City Council finds and determines that it is in the best interest of the City/Village and certain natural gas consumers located within the incorporated areas of the City to establish an opt-out natural gas aggregation program (the "Gas Aggregation Program"). Provided that this Ordinance and the Gas Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the incorporated areas of the City. For the Gas Aggregation Program, the City may enter into service agreements to facilitate the sale and purchase of service for retail natural gas loads. The City may exercise such authority jointly with any other political subdivision of the State of Ohio and through the Northeast Ohio Public Energy Council ("NOPEC"), a political subdivision of the State of Ohio, to the full extent permitted by law, and for such purpose, any City officers are hereby authorized to execute and deliver a program agreement with NOPEC in order to establish the Gas Aggregation Program through NOPEC. The Gas Aggregation Program does not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2): (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sales service contract with a retail natural gas supplier, (iii) the person has commodity sales service as part of a retail natural gas aggregation pursuant to rules and orders of the Public Utilities Commission of Ohio, or (iv) such other persons that are not eligible customers pursuant to rules and orders of the Public Utilities Commission of Ohio.

SECTION 2. The Board of Elections of Cuyahoga County is hereby directed to submit the following question to the electors of the City at the primary election on May 5, 2015.

Shall the City of Bay Village have the authority to aggregate the retail natural gas loads located within the incorporated areas of the City and enter into service agreements for the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not later than February 4, 2015, which is ninety (90) days prior to May 5, 2015. The Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Ordinance, this Council individually or jointly through NOPEC, shall develop a plan of operation and governance for the Gas Aggregation Program. Before adopting such plan, this Council or NOPEC on behalf of this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council or NOPEC on behalf of this Council shall aggregate any retail natural gas customer in the City unless it in advance clearly discloses to the person whose retail natural gas is to be so aggregated that the person will be enrolled automatically in the Gas Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Gas Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the Gas Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order for the City to file a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not later than February 4, 2015, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor of the City.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

12-12-14 11