

JACKSON CITY COUNCIL  
Regular Session  
April 13, 2009  
7:00 p.m.

Call to Order..... President Speakman  
Pledge of Allegiance..... Mr. Evans  
Opening Prayer..... Mr. Wiggins

Roll Call

Approval of Minutes

March 23, 2009

VISITORS

COMMITTEE REPORTS:

- Utility
- Budget & Finance
- Police, Fire & Traffic
- Service
- Railroad
- Building/Recreation
- Council Rules Committee
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

## JACKSON CITY COUNCIL

*Minutes from*  
March 23, 2009  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, March 23, 2009 at 7:00 p.m. at the Jackson City Council chambers. President Ron Speakman called the meeting to order. The Pledge of Allegiance was given, led by Mr. Elliott. The Prayer was given, led by Mr. Wiggins.

A roll call was taken as follows:

- Mr. Evans – present
- Mr. Adams – present
- Mr. Eric Brown – present
- Mr. Smith – present
- Mr. Cary Brown – present
- Mr. Elliott - present
- Mr. Wiggins – present

Mr. Wiggins made a motion to approve the minutes from March 9, 2009, seconded by Mr. Adams. In a voice vote, all Council agreed.

### **VISITORS**

Rick & Kimberly Messer, requesting water tap for new construction on 176 Kessinger School Road. Jackson County Water Co. informed them that the city handled taps on that side of the road. Mr. Sheward stated an agreement with rural water had been made and he would have to verify this information. Mr. Evans made a motion to authorize the water tap after Mr. Sheward verified information, seconded by Mr. Wiggins. In a voice vote, all Council agreed.

### **COMMITTEE REPORTS**

UTILITY – No Report

BUDGET & FINANCE

Mr. Adams stated the committee had met on March 17<sup>th</sup> at 6:00; the full committee was present, along with the Auditor, Deputy Auditor, Mr. Smith, Mr. Speakman, Mr. Eric Brown and the Administration. Discussed many issues and recommended the following employee part of insurance be reconsidered, fire truck and building purchase pay only 1 year, cost allocations were as follows: electric, 2 years, sewer, 1 year and water, 0 years. The water fund is in bad shape, 25-30% increase was suggested per Jones and Henry, council chose to reinstate the annual 3% increase, this fund is losing money every month. In regards to the ordinance presented tonight for the permanent budget, committee requested the Administration cut the budget by 5-10%, best guesses it was only cut 2%, does not feel this is justified; community paying higher rates and we make no effort to cut the budget. Requesting not to pass and ask the administration to revise and meet later and ask the President of Council to set a date to pass the permanent budget.

POLICE, FIRE & TRAFFIC

Mr. Evans stated the committee had requested from the Police Chief a monthly report, this has not been done, request that the Service Director send a message to the chief. In regards to the U-turns and J-turns, there have been no citations issued; we have had lots of discussion on this matter. The traffic situation is out of control, if they would make a reasonable attempt to enforce the law, and we would like to see a report. The Fire Chief is leaving in May 2009 and will not return until May 2010, returning to active duty in Iraq. Would request committee input, ramifications and the intent of the administration. Would like to meet before the next regular meeting. Mr. Eric Brown stated he had received calls in regards to the loss of the resource officer, asking why, the committee was not aware of this fact. Mr. Evans stated this was discussed in the Budget & Finance meeting; total cost last year was \$78,000, with the school only

funding \$22,000. This has been discussed with the school and with their financial situation they may not be willing to pay that amount now. Mr. Heath stated he would like to discuss personal matters in executive session. Mr. Evans stated this is a savings in the Police Department and would be a benefit since they are one officer short, they can still report to the school if a problem occurs. Mr. Wiggins stated that he had seen a State Patrolman make J-turns twice in three weeks; maybe we should notify the commander at the Post.

SERVICE – No Report

RAILROAD – No Report

BUILDING/RECREATION

Mr. Smith reported on the Berridge Property purchase, talked in committee meeting, Mr. Detty will report, an ordinance will be presented with in the next two meetings. Mayor Heath will look at the numbers. Mr. Evans stated it was the Budget & Finance committee's recommendation not to purchase the remainder of the property. Mr. Smith stated we have to purchase the land where the sub station is located. Mr. Detty stated May 12<sup>th</sup> is the deadline, will need a month to prepare deeds. Mr. Evans asked if we should bring a vote tonight. Mr. Eric Brown stated there was an ordinance to purchase, may need an ordinance not to purchase or do by motion. Mr. Smith made a motion to proceed with the purchase of the 2.2 acres, seconded by Mr. Wiggins. In a voice vote, all Council agreed.

COUNCIL RULES

Mr. Evans stated there had been no mention of change, will have Mr. Detty prepare a new ordinance to present to Council.

CITY AUDITOR – No Report

LAW DIRECTOR

Mr. Detty gave his report, see attached.

MAYOR

Mayor Heath stated in regards to the budget, last year there were many concerns, the administration tried to address, there were positions unfilled, the General Fund was down \$756,000 from 2007, that is a 8% cut, all funds spent less from 1-73%. All purchase orders are passed through Mr. Sheward, the past administration did not review. There are three primary areas, purchase power, operations and maintenance.

Mr. Smith requested an executive session to discuss contractual matters, personnel and budget, employee issues, seconded by Mr. Elliott. In a roll call vote, all Council agreed. Council went into executive session at 7:25 p.m.

Mr. Evans made a motion to return to regular session, seconded by Mr. Eric Brown. In a voice vote, all Council agreed. Council returned to regular session at 8:00 p.m.

SAFETY/SERVICE DIRECTOR

Mr. Sheward the following ordinances were change orders for the waste water plant, 28-32. Two are for health insurance options, will be using the Max105 funds, consider passing tonight. Much progress on the St. Rt. 93 project, lines will be charged, chlorinated then connections to the houses and business to main line will be the final step.

**ORDINANCES AND RESOLUTIONS**

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ORDINANCE NO. 28-09

AN ORDINANCE AUTHORIZING CHANGE ORDERS NUMBER 1 THROUGH 5 AND AMENDING THE CONTRACT BETWEEN THE CITY OF JACKSON, OHIO AND CRACE CONSTRUCTION COMPANY, CONCERNING THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

First Reading

Mr. Humphreys stated that Section #1 needs changed to \$465,556.34, this is the total for all change orders.

Mr. Eric Brown made a motion to adopt the ordinance, seconded by Mr. Adams. In a voice vote, all Council agreed.

Mr. Smith asked Mr. Wilson about the 20% change. Mr. Wilson stated there were changes from a metal building to a block building; chemical feed equipment was moved out of the flood plain next to generator. Mr. Wiggins asked who designed the project. Mr. Wilson stated this was done by Jones & Henry, they done the change orders. Mr. Eric Brown asked why we waited until the end of the project to submit. Mr. Wilson stated this was Mr. Benson doing, items sent to Ken for payment, money for change orders were put in the pay request. Mr. Wiggins asked if this was redesigned for safety issues, why it was not done in the first place. Mr. Wilson stated some cost put back in, issues taken to Crace. The main door, problem with installation of an I-beam that blocked the door, the cost was shared. Mr. Smith stated the change to block added \$321,000, was this authorized. Mr. Wilson stated by Mr. Benson. Mr. Smith asked if this was presented to the administration in 2008. Mr. Sheward stated Mr. Wilson explained that early on metal building planned, contingency available, better long term with masonry structure. Mr. Smith asked who approved the project in the original scope. Mr. Wilson was not sure, it was before his employment. Mr. Smith stated \$321,000 to change, no deductions, should have got another price. Mr. Detty stated he would go back and review contract. Mr. Evans stated Jones & Henry dropped the ball, they need to explain.

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ORDINANCE NO. 29-09

AN ORDINANCE AUTHORIZING CHANGE ORDER NUMBER 6 AND AMENDING THE CONTRACT BETWEEN THE CITY OF JACKSON, OHIO AND CRACE CONSTRUCTION COMPANY, CONCERNING THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

First Reading

Mr. Wiggins made a motion to adopt the ordinance, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

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ORDINANCE NO. 30-09

AN ORDINANCE AUTHORIZING CHANGE ORDER NUMBER 7 AND AMENDING THE CONTRACT BETWEEN THE CITY OF JACKSON, OHIO AND CRACE CONSTRUCTION COMPANY, CONCERNING THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

First Reading

Mr. Evans made a motion to adopt the ordinance, seconded by Mr. Elliott. In a voice vote, all Council agreed.

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ORDINANCE NO. 31-09

AN ORDINANCE AUTHORIZING CHANGE ORDER NUMBER 8 AND AMENDING THE CONTRACT BETWEEN THE CITY OF JACKSON, OHIO AND CRACE CONSTRUCTION COMPANY, CONCERNING THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

First Reading

Mr. Wiggins made a motion to adopt the ordinance, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

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ORDINANCE NO. 32-09

INTENTIONALLY OMMITTED

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ORDINANCE NO. 33-09

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR HEALTH INSURANCE COVERAGE, TO ANTHEM BCBS, THROUGH FREEDOM CHOICE BENEFITS GROUP, LLC, 78 BROADWAY STREET, JACKSON, OHIO 45640, AND DECLARING AN EMERGENCY.

First Reading

Mr. Wiggins made a motion to adopt the ordinance, seconded by Mr. Elliott. In a voice vote, all Council agreed.

Mr. Evans made a motion to suspend the rules, seconded by Mr. Adams. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

In roll call vote to adopt the ordinance, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Cary Brown – no  
Mr. Elliott – yes  
Mr. Wiggins – yes

ORDINANCE NO. 33-09 DULY ADOPTED

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ORDINANCE NO. 34-09

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR VISION INSURANCE, DENTAL INSURANCE AND LIFE INSURANCE COVERAGE TO THE GUARDIAN LIFE INSURANCE CO., THROUGH FREEDOM CHOICE BENEFITS GROUP, LLC, 78 BROADWAY STREET, JACKSON, OHIO 45640, AND DECLARING AN EMERGENCY.

First Reading

Mr. Smith made a motion to adopt the ordinance, seconded by Mr. Elliott. In a voice vote, all Council agreed.

Mr. Wiggins made a motion to suspend the rules, seconded by Mr. Adams. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes

Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

In roll call vote to adopt the ordinance, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Cary Brown – no  
Mr. Elliott – yes  
Mr. Wiggins – yes

ORDINANCE NO. 34-09 DULY ADOPTED

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RESOLUTION NO. 6-09

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON TO SUBMIT AN APPLICATION FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), AND EXECUTE ANY AND ALL DOCUMENTS CONCERNING THE CHIP, AND DECLARING AN EMERGENCY.

First Reading

Mr. Eric Brown made a motion to adopt the resolution, seconded by Mr. Adams. In a voice vote, all Council agreed.

Mr. Eric Brown made a motion to suspend the rules, seconded by Mr. Adams. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

In roll call vote to adopt the resolution, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

RESOLUTION NO. 6-09 DULY ADOPTED

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Mr. Adams requested a Budget and Finance meeting for Wednesday at 7:00 p.m... Mr. Evans made a motion to have a special meeting on Friday at 7:00 p.m. to discuss and pass the permanent budget ordinance, seconded by Mr. Wiggins.

**CORRESPONDENCE**

The Clerk read a letter from Fire Chief Reed, see attached.

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURN**

Mr. Smith made a motion to adjourn, seconded by Mr. Adams. In a voice vote, all Council agreed. Council adjourned at 8:30 p.m.

Tera Brown  
Tera Brown  
Clerk  
Date 4-13-09

Ron Speakman  
Ron Speakman  
Council President  
Date 4/13/09

Jackson Fire Department  
152 Pearl Street  
Jackson, Ohio 45640

Re: Upcoming Military Deployment

Mr. Ron Speakman  
President, City Council  
City of Jackson  
145 Broadway Street  
Jackson, Ohio 45640

Dear Mr. Speakman:

I am writing this correspondence to formally notify you and the City Council of my upcoming deployment to Afghanistan. I have been tasked as a Senior Non-Commissioned Officer in the Ohio Army National Guard to deploy, train and ultimately lead elements of the Afghan National Army in conducting stability and security operations in their Country.

The timeline that I and the members of my team are currently on is as follows; May – In-State training at a sight to be determined, (Camp Perry, Camp Sherman or Ravenna Arsenal). June – Report to CONUS Replacement Center at Ft. Riley, Kansas. July - Leave the U.S for Europe and begin integration training. The most current information I have to provide you regarding a return timeline is that we are supposed to be returning and re-integrating back to the U.S. in May / June of 2010. While this deployment and separation from family and friends will be challenging, I look forward to another chapter of serving my Country and ultimately its citizens.

My other purpose in writing this correspondence is to inform you of my future plans with the City. Although challenging, I have humbly enjoyed the honor of leading the City's fire protection forces these past 4 years and God willing, I intend to continue to fulfill these duties and responsibilities upon returning from this deployment. I have endeavored to develop and inculcate an attitude of progressiveness and professionalism in leading our fire services. In light of the many challenges that come with doing so, I intend to continue to provide the leadership that will move the City's Fire Department successfully into the future. I have discussed this matter with Assistant Chief David Channell and he understands the task he is facing with my deployment, and has professed his support to me, as well as his continued dedication to duty at the fire department, in my absence.

I will keep you as informed as possible within the constraints of operational security, and will provide all paperwork as necessary throughout this process. As always, I remain available for your questions.

Respectfully,



Doug Reed  
Chief, JFD

CC:  
Council Members  
Jack Detty, Law Director



# JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-2201

Fax: 740-286-3492

[jdetty@jacksonohio.us](mailto:jdetty@jacksonohio.us)

*Jackson City Council*

*March 23, 2009*

## *REPORT OF THE LAW DIRECTOR*

The following is the Report of the Law Director:

### • **PROPOSED JAIL AGREEMENT FOR 2009**

- The committee has met. I am still awaiting the Court to respond to my request for additional information as requested by the committee.
- I have sent a second letter and spoke with the Judge and he is in the process of getting me the information requested.

### • **EXECUTIVE SESSIONS**

- As promised at the last Council meeting a memorandum discussing executive session protocol is in the council packets.

### • **CITY v U.S. RAIL**

- An initial hearing on the receivership portion of the legal action is scheduled for April 1, 2009 at 1:00 o'clock p.m.
- The hearing will be held at the Jackson County Common Pleas Court.

### • **OHIO MUNICIPAL LEAGUE**

- Attached to this report find the following information from the Ohio Municipal League:
  - OML News Updates from January 2009 through March 13, 2009.
  - Bills of Interest introduced in the Ohio legislature, as of March 2009.
- The Ohio Municipal League website address is [www.omlohio.org](http://www.omlohio.org). I would encourage each of you to periodically visit this site to get updates on issues affecting local municipalities.

## • BERRIDGE PROPERTY

- As has been discussed several times in the past, the City has a deadline of May 12, 2009 to take one of the following actions:
  - (1) purchase the Berridge property for a sum of \$312,848.
  - (2) deed the property back to Mr. Berridge.
- The City has a recorded deed to the property (24.623 acre tract and a 11.277 acre tract), but it is subject to the Note/Agreement.
- Even if the City turns the property back to Mr. Berridge we will need to purchase the property where the substation is located. Pursuant to Ordinance 151-06, the City agreed to pay Mr. Berridge \$50,000 per acre for the substation property. This is a 2.325 acre tract. From my calculations the purchase price will be \$111,750.
- In order to have proper time to prepare any documents which will need to be prepared I would request Council give some guidance on this issue as soon as possible.
  - If the property is deeded back to Mr. Berridge I will need to prepare the deed, with the exception for the substation, and to make sure the purchase of the substation property is handled properly.
  - May 12, 2009 is only 7 weeks away.
- In the original property deal with Mr. Berridge the City also received a grant for the purchase of a 108 acre tract of real estate. This was totally and completely paid for by grant moneys, and the deed is recorded. This 108 acre tract is not part of the Berridge Agreement. The 108 acres is the City's property. The bike path is located on this 108 acre tract.

*If at any time you have any questions or would like to discuss any issues with me please feel free to stop by my office, or call me at 710-1214.*

*John L. "Jack" Detty*

## New Updates

OML Website  
Sections

Meetings &  
Registraion Info.  
(Dates, Locations,  
& Forms)

Current Legislative  
Bulletin

Federal Relations  
Update (provided  
by NLC)

Public Records  
Training

OML Media &  
Special  
Membership

OML Municipal  
Data

OML Tax Related  
Information

Grants and Award  
Programs

Workers'  
Compensation  
Information

Past Legislative  
Session Issues

Local Government  
Fund Information

Ballot Issues

Pension  
Information

State Government  
Links

Informational Links

Contact OML

### March 13, 2009

Hi, everyone - Not much by way of full session next week, but attached is the schedule of committees of interest next week.

This week the Senate passed SB 2 which outlines state department distributions for the federal stimulus package. Just a necessary step, but the bill can be viewed at [www.legislature.state.oh.us](http://www.legislature.state.oh.us).

In keeping up on this, we're noticing a number of news items that indicate some dissatisfaction about the involvement of regional planning agencies in the distribution of the federal stimulus money. Please, let us know if that is a problem in your area.

By the way, we still don't have what we consider an acceptable clarification of the court costs in the budget. Hopefully, we will have that for you next week. Fortunately, it's the biennial budget, so we have time to figure that out.

Finally, just because we're hopefully close to the end of winter, if anyone wants to give us a sense of how they fared with road salt this winter, including any stories of how the ODOT redistribution program worked or didn't, we'd like to hear from you. Maybe we can get a little ahead of next winter or make sure problems are minimized.

Thanks and have a great weekend. John

### March 6, 2009

Hi, everyone - With the Transportation budget (HB 2) passed in the House this week and the actual biennial budget introduced (HB 1), activity surrounding the biennial budget will begin to heat up in the House. The Senate, while working on ancillary budgets such as Transportation, will also likely hold some of its preliminary hearings on the biennial budget prior to receiving the biennial budget from the House. Given the nature of budget hearings, its probably best to check into our website **HERE** next week as the scheduling for those hearings are sometimes late and often change.

We will continue to work with the administration and the legislature on some concerns we have with the structure of the cooperative Transportation Innovation Authorities, which are

contained in the Transportation budget. We are hopeful we can work through those concerns in the Senate.

HERE is a schedule of hearings of interest for next week.

In the biennial budget, we, as always, have a number of smaller items than the increases in fees for Municipal Solid Waste for EPA and DNR, that will impact some municipalities.

One change is that the Justices of the Supreme Court and visiting Appeals Court judges would like to not pay municipal income tax in Columbus, where they work, but to pay such a tax, if applicable, based on their residence, which may not have a municipal income tax. This change is similar to the tax rule in place now for members and employees of the General Assembly. This, however, would not apply to employees of the Court.

There are also court cost increases earmarked to fund the state's Public Defender program. We will explain those increases next week. The current language is wrought with fuzz and we need to clarify the offenses to which each increase is attached. In a 3000-page bill, we suspect that will not be the last time we write a variation of the previous sentence.

Finally, there was a report issued a couple of weeks ago by a Task Force on the future funding of the Ohio Department of Natural Resources. Since the group was chaired by the Director of the Department and had some legislative input, we will certainly be attentive to that group's recommendations.

One of those recommendations that we are already following in the budget is the increases in MSW fees, which we have already reported.

However, the Task Force also recommended that DNR be allowed to apply for Clean Ohio grants, just like local governments do now.

The other idea is that local parks projects funding through the state capital bill shouldn't show up on DNR's books because somehow that shorts DNR of General Revenue Funds for their own projects.

The first idea is lathered in the soothing lotion that sharing Clean Ohio with DNR, after laying out the enormous financial needs that DNR has, will somehow help local government. The second is bundled in the warm blanket that local park systems

often have their own revenue streams, so we really don't need the capital budget ever.

Clean Ohio was presented to the voters, twice, as a local government environmental program. We will oppose any effort to renege on those promises. If DNR wants to participate in that program, such a drastic change to the intent of the program should be something presented once again to those who chose to create Clean Ohio, the voters of Ohio.

On the second idea, we will be attentive, but relatively unconcerned. Unlike the back-and-forth that goes on in Washington, for better or worse, the capital budget is our "earmark" budget in Ohio. It is a bill entirely devoted to earmarks. It is what Santa is to Christmas, just a smaller list and mostly for grown-ups. If DNR wants capital budget reform, we can only wish them luck and watch out for any flying lumps of coal at the Statehouse.

Hope everyone has a great and warm (Sorry, I think, by this time of the year, that's redundant) weekend. John

### **February 27, 2009**

Hi, everyone - The Federal Highway Administration has sent new guidelines to the Governor's office that tightens up the deadlines for submitting transportation projects eligible for the federal stimulus package. Details are [HERE](#). All projects seeking money should be submitted to [www.recovery.ohio.gov](http://www.recovery.ohio.gov) by very early next week.

### **February 13, 2009**

Hi, everyone - Attached is the schedule for committees of interest meeting next week. Still a little slow as everyone gears up for the introduction of the budget.

We have also attached a press release announcing the website for requests for funding projects that may be eligible for federal stimulus dollars. We have talked to the Governor's office and that website is the central entry point for all requests related to that federal money, so, please, use it for any projects you think might be eligible. We think the sooner those requests are submitted the better. Obviously, no one knows just yet what might be eligible, but, at least, the kinds of projects eligible for OPWC grants are in the mix.

We also have a link to the Department of Taxation, which is

available on our website ([www.omloho.org](http://www.omloho.org)). The link is at the Local Government Fund link on the left hand side of our front page. The link will take you to the page for the Department Taxation where you can find information on Local Government Fund figures, which will now be updated monthly by the Department.

If you have any questions about any of these attachments, please, let me know. Thanks and have a good weekend. For those of you who have the President's Day off, enjoy. I'm doing it as William Henry Harrison, but with an overcoat and hat, this year. John

### **February 10, 2009**

Hi, everyone - Below are a letter and bullet-point sheet from the Ohio Public Employees Retirement System about the elimination of health coverage for spouses under the age of 55 of PERS retirees. The change will occur January 1, 2011. We know this went to retirees, but not sure many of you, as active members, have seen this and thought it might be useful information.

If you have any questions about this information you can contact PERS at 1-800-222-7377. Their website is [www.opers.org](http://www.opers.org).  
Thanks. John

PERS Letter

Bullet Point Sheet

### **February 6, 2009**

Hi, everyone - We got a late notice that the House Finance and Appropriations Committee will begin some hearings on the State Budget next week. All hearings will be in House Hearing Room 313.

On Tuesday, the Office of Budget and Management and the Department of Taxation will make presentations beginning at 9:00 a.m. At 1:00 p.m. the Legislative Service Commission will make a presentation. The Department of Education will make a presentation on Wednesday at 8:30 a.m. The Board of Regents and the Department of Rehabilitation and Corrections will begin their presentations at 8:30 a.m. on Thursday.

So, despite our earlier report, we do have one committee of

the General Assembly meeting next week. Thanks. John

### **February 6, 2009**

Hi, everyone - This week Senate and House committee chairs and membership were announced. That information is available at [www.legislature.state.oh.us](http://www.legislature.state.oh.us). When we last looked the Senate information was not yet posted, but should be by the end of the day.

The Governor also posted his "Blue Book," which outlines the budget he talked about last week in his State of the State. The Blue Book is available at <http://obm.ohio.gov>. Though we expect no substantial changes in programs like the Local Government Fund, we'll hold off too much comment until we see the actual budget bill in the next week or two. The situation with the federal "stimulus" package is fluid and that package and the state budget are very interrelated, thus the Blue Book this year doesn't really give us the full story of what we're facing.

One thing we do know is that the administration, among many fee increases in the budget, will seek new fees for the Department of Natural Resources and Ohio EPA. The fees go to pull some DNR programs off the state General Revenue Fund and to boost revenue for EPA, which is an almost entirely fee-based agency.

The proposal is to raise fees on Municipal Solid Waste from \$3.50 a ton to \$4.75 a ton and raise Construction and Demolition disposal fees by \$2.70 a ton in addition to the current \$1.75 a ton. Most of the proceeds from the MSW fees would go to OEPA and most of the C&D fees would go to ODNR. Should the fees remain intact through the legislative process, it is estimated that the new fees would raise \$17.3 million for OEPA and \$15 million for ODNR.

We have attached a letter, from the Governor, at his request. In it, he asks you to lobby your members of Congress to support the federal stimulus package.

On that matter, should such a package pass additional local infrastructure dollars, in the form of grants through the state, may very well become available for projects that are ready to go. We expect the state to have a central website soon where you can express interest in those funds. Hopefully, we'll have more information on that next week.

There are no committees of the House or Senate scheduled

next week.

Hope everyone has a great and warm weekend. John

### **January 27, 2009**

Hi, everyone - Tomorrow, Wednesday, the 28th, the Governor will deliver his State of the State address at noon. You can see the address on ONN or at [www.ohiochannel.org](http://www.ohiochannel.org). After the address, copies can be obtained at [www.governor.ohio.gov](http://www.governor.ohio.gov). From all reports, we expect the address to be fairly lengthy, with much of it devoted to education. Other budget issues will, no doubt, also be addressed.

We also have the formation, announced by the new Speaker of the House this week, of two new urban-oriented committees in the House. The first is the Environment and Brownfields Committee. The second is the Housing and Urban Revitalization Committee.

We do not yet know the members of committees appointed in either the House or Senate, but will get you that information as soon as it is made public. John

### **January 22, 2009**

Hi, everyone - Attached is an invitation for this year's OML Legislative Lunch at the Statehouse which is on April 1. We very much hope to see many of you there, along with your members of the House and Senate.

By the way, we're still getting some questions on the Local Government Fund and the annual adjustment the state makes in those numbers to line up reality with estimates. Specific numbers are available under LGF information on our [Here](#).

Next week's schedule will all be centered around the Governor's State of the State address, which will occur at noon on Wednesday, January 28. No committee work of substance is expected to take place.

Hope everyone has a great weekend. John

### **January 15, 2009**

Hi, everyone - Here is some information we've gotten from the



National League of Cities about what the economic stimulus package may look like originally. NLC is having an additional briefing with the Senate Majority Leader and Speaker of the House tomorrow (Friday), but we expect that to lead to some review and not much news until after the Martin Luther King holiday. We will keep you informed as information comes into us. Understand that the attached comes with a little editorial comment, but it is the best detailed information we have gotten so far.

Barring some crazy scandal, there will be little or no activity at the Statehouse next week.

Hope everyone has a great weekend. John

### **January 14, 2009**

Hi, everyone - Obviously very little will happen in the General Assembly until after the Governor's State of the State at noon on January 28th (view at [www.legislature.state.oh.us](http://www.legislature.state.oh.us)), the introduction of the Governor's version of the budget sometime after that and appointment of committees in both Houses between now and then. Don't expect much legislation to be introduced until, at least, until the end of the month.

We should mention that the commission studying local government collaboration and consolidation has begun its meetings. That entity intends to meet the last Friday of each month and is supposed to finish its work by July 1, 2010. Our President, Mayor Dean DePiero of Parma, Mayor Mark Mallory of Cincinnati and Councilmember Charleta Tavares of Columbus serve on that commission. Here is the full list of membership.

In other news, we were pleased that the new Speaker of the House, Armond Budish, vowed to work for cities during this session during his opening remarks to the Ohio House. He said that cities would see special treatment from the state for attracting new jobs. He proposed, conceptually, that the state could put a number of incentives on the table for cities to attract jobs, though such incentives could be contingent on more cooperative purchasing agreements, waivers of some local income tax revenue and consolidation of some services. We love the focus of that proposal, but, as with all proposals, cautiously and anxiously, await the details of the Speaker's thoughts on this issue.

On another matter, The League will be hosting a luncheon honoring all the members of the 128th General Assembly on

Wednesday, April 1st in the Statehouse Atrium. Registration will begin at 11:30 a.m. The luncheon will be held 12 noon – 1:30 p.m. Please mark your calendar for this important event. Additional information will soon be sent to you and will also be available to you soon via the League's website.

Go Bucks! Oh, wait...never mind. Hope everyone has a very safe week. John

### **January 6, 2009**

Happy New Year, everyone - The General Assembly is now formally back in session, though we would expect very little legislative activity for a few weeks. All bills from last session will have to be reintroduced and new bills created. They will then have to be referred to committees, which haven't even been named yet.

Additionally, in this state budget year, much of the activity of the General Assembly will wait on the introduction, by the Governor, of a version of a new biennial budget. The introduction of that budget is complicated by the anticipation for a federal stimulus package that is expected to include aid to the states, which could help those states balance their budgets. Without that aid, the Governor has predicted that the state would go into the new biennium in July with the need to trim spending in the next biennium by \$3-\$7 billion, depending on the breath and depth of the recession. Having the state being able to balance that budget could have a very important impact on LGF and other programs important to our members.

Our guess would be that we won't see a state budget proposal until after the federal stimulus is in place. Given the many guesses about when that might happen (mostly mid-February) that would not be far off the usual timetable for introduction of the state budget. However, we are reticent to predict with any certainty much with a new Congress, a new President and this economy.

We have attached, for informational purposes, a set of talking points from the Governor's office about the federal stimulus package and the same from the National League of Cities, just so you would know some of the things folks are discussing. Of course, if you watched any of the Sunday talk shows or read the morning papers, you know that others, especially in Congress, will be pushing and pulling in other directions too. As always, with the General Assembly or the Congress, it's usually a safe bet that whatever proposal goes in to the Congress is

not the one that comes out.

We will communicating with our Congressional delegation about the importance of recognizing that any federal stimulus package should recognize local infrastructure and financial needs, as well as the needs of the state. We believe that, so far, those needs are recognized. We hope you will communicate that message also with your local member of Congress and U.S. Senators George Voinovich and Sherrod Brown. In doing so, we hope you will make clear what problems and needs face your municipal services and your local economy.

It would be great, if we all had a single list and a single view on this issue, but we know on this issue that is not the case. However, we do believe any information you can provide your members of Congress on the issue of how they might help your local economy would be valuable and, perhaps, shape a better bill.

As for the General Assembly, we expect only a couple of "housekeeping" sessions between now and January 28. On the 28th, a joint session is scheduled for the Governor's State of the State address. We hope between now and then to have committee rosters for both Houses and we will get those out to you as soon as they become available. Thanks. John

## Bills of Interest

### BILLS OF INTEREST IN THE 128th GENERAL ASSEMBLY AS OF MARCH, 2009

OML Website  
Sections

Meetings &  
Registraion Info.

(Dates, Locations,  
& Forms)

Current Legislative  
Bulletin

Federal Relations  
Update (provided  
by NLC)

Public Records  
Training

OML Media &  
Special  
Membership

OML Municipal  
Data

OML Tax Related  
Information

Grants and Award  
Programs

Workers'  
Compensation  
Information

Past Legislative  
Session Issues

Local Government  
Fund Information

Ballot Issues

Pension  
Information

State Government  
Links

Informational Links

Contact OML

#### SENATE BILLS

**SJR 1 VETERAN BONUSES** (Grendell, Wilson) Proposing to enact Section 2q of Article VIII of the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan and Iraq conflicts. Adopted by House.

**SB1 REVITALIZATION DEBT AUTHORITY** (Hughes) To implement the additional debt for conservation and revitalization programs provided by Section 2q of Article VIII of the Ohio Constitution, to authorize the issuance of that debt, to make new appropriations for the purpose of continuing programs established by Am. Sub. H.B. 554 of the 127th General Assembly, the Bipartisan Job Stimulus Act, and to declare an emergency. Am. 133.52, 151.01, 151.09, and 151.40. Referred to House Finance & Appropriations.

**SB 2 FEDERAL STIMULUS FUNDING** (Carey) To provide for the distribution of moneys received by the state from the federal American Recovery and Reinvestment Act of 2009 by making appropriations and to declare an emergency. Passed the Senate.

**SB 4 PERFORMANCE AUDITS** (Schaffer) To require the Auditor of State to conduct performance audits of the Bureau of Workers' Compensation, Environmental Protection Agency, Department of Natural Resources, Department of Agriculture, and Department of Health. En. 117.46. Referred to Senate State & Local Government & Veterans Affairs.

**SB 7 FRAUD REPORTING** (Wagoner) To require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials. Am. 124.34. Referred to Senate State & Local Government & Veterans Affairs.

**SB 13 FORECLOSURE ACTIONS** (Miller, D.) To require a clerk of courts to notify tenants when a foreclosure action is filed, to require the Director of Commerce to prepare a publication to assist owners and tenants of foreclosed properties, to require clerks of courts to distribute that publication, to require landlords to notify tenants when a property is foreclosed and when a sale is scheduled, to enable tenants to terminate a

rental agreement on a foreclosed property, to provide for continuance of a rental agreement after a foreclosure sale, and to provide civil remedies for a tenant whose landlord violates the bill's provisions. Am. 121.086, 2703.10, 5321.20, 5321.21, 5321.22, and 5321.23. Referred to Senate Judiciary-Civil Justice.

SB 14 HOME INSPECTORS (Miller, D.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. Am. 121.08, 4745.01, 4735.581, 4768.01 to 4768.19, and 4768.99. Referred Senate Insurance, Commerce & Labor.

SB 26 NON-RESIDENT TAXPAYERS (Schaffer) To require municipal corporations with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers. Am. 718.17. Referred Ways & Means & Economic Development Committee.

SB 34 GROUP HEALTH INSURANCE (Miller, D.) To require the Department of Administrative Services to create a health insurance program that allows municipal corporations, small employers, and nonprofit corporations or associations to purchase for their employees the same policies or contracts provided to state employees. Am. 124.824. Referred Senate Insurance, Commerce & Labor.

SB 35 IMMIGRATION ENFORCEMENT (Stewart) To direct the Attorney General to pursue a memorandum of agreement that permits the enforcement of federal immigration laws in this state by law enforcement officers. Am. 109.45. Referred to Senate State & Local Government & Veterans Affairs.

SB 42 SEX OFFENSES (Schaffer) To specify that the restriction against offenders convicted of a sexually oriented offense or child-victim oriented offense living near school, preschool, or child day-care premises applies regardless of when the offense was committed or the offender began living in the residence and that a registration requirement for children adjudicated delinquent for a sexually oriented offense and classified a juvenile offender registrant applies regardless of when the offense was committed. Am. 2950.02, 2950.034, and 2950.04. Referred to Senate Judiciary-Civil Justice.

SB 62 LIQUOR SALES (Turner) To prohibit the Division of Liquor Control from issuing a retail liquor permit or entering into an agency liquor contract if the permit location or liquor

agency store is proposed to be located within five hundred feet from a school, church, library, public playground, or township park. Am. 4301.17, 4303.26, and 4303.292. Referred to Senate Agriculture.

SB 66 VOLUNTEER FIREFIGHTERS (Faber) To provide health insurance benefits to dependents of volunteer firefighters killed in the line of duty. Am. 146.01, 146.12 and 742.45. Referred to Senate Insurance, Commerce & Labor.

SB 70 BUILDING DEMOLITION (Schiavoni) To allow municipalities to use the money derived from the sale of urban renewal bonds for the demolition of buildings located on tax delinquent property that constitute a public nuisance due to blight. Referred to Senate Ways & Means & Economic Development.

SB 83 RETIREMENT BENEFITS (Faber) To exclude certain compensation when determining retirement benefits under the Public Employees Retirement System. Am. & En. 145.01 and 145.016.

#### **HOUSE BILLS**

HR 20 CITIES TASK FORCE (Patten) To create the Compact With Ohio Cities Task Force to help cities compete for residents and jobs, and to stimulate economic growth. Referred to House Economic Development.

HB 1 BIENNIAL BUDGET (SYKES V) To make appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011 for the operation of state programs. Referred to House Finance & Appropriations.

HB 2 TRANSPORTATION BUDGET (Ujvagi) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of those programs. Am. 121.51, 125.11, 133.52, 151.01, 151.09, 151.40, 1548.14, 2949.094, 4501.01, 4501.03, 4501.044, 4501.06, 4501.34, 4503.04, 4503.042, 4503.07, 4503.10, 4503.182, 4503.26, 4503.65, 4505.14, 4506.08, 4507.05, 4507.071, 4507.23, 4507.24, 4509.05, 4511.093, 4513.263, 4519.63, 4561.17, 4561.18, 4561.21, 5501.03, 5501.311, 5501.34, 5502.03, 5502.39, 5502.67, 5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 5537.99, 5703.053, 5703.70, 5735.06, 5735.145, 5735.16, and 5735.23; to enact sections 5502.131, 5531.11, 5531.12, 5531.13, 5531.14, 5531.15, 5531.16,

5531.17, 5531.18, 5531.99, 5539.01, 5539.02, 5539.03, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 5539.10, and 5539.11; to repeal section 5735.141. Passed the Senate.

HB 3 HOME FORECLOSURES (Foley, Driehaus) To address the current mortgage foreclosure crisis. Referred to House Housing & Urban Revitalization.

HB 7 BUILDING STANDARDS (Harris, Pillich) To require a building or structure erected or constructed using state capital moneys to adhere to certain sustainability standards. Am. 153.013. Referred to House Local Government/Public Administration.

HB 11 SEX OFFENDER REGISTRATION (Heard, Harris) To provide that any person required to register under Ohio's Sex Offender Registration and Notification Law who establishes or occupies residential premises within one thousand feet of any school premises, recreation center, playground, or other place where it is reasonable to expect children to frequent or linger is guilty of a misdemeanor of the first degree and to require a court to order a violator to vacate the premises as part of any injunctive relief granted for the violation. Am. 2950.034 and 2950.99. Referred to House Criminal Justice Committee.

HB 15 BWC BUDGET (Sykes) To create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's programs. Am. 121.52, 4121.12, 4121.125, 4121.62, 4121.70, and 4123.34 Referred to House Insurance Committee.

HB 22 BULK DATA REQUESTS (Fende) To authorize public offices to limit the number of bulk data requests, impose charges to cover the actual costs associated with bulk data requests, and charge for the cost of redacting certain information. Referred to House State Government.

HB 30 RETIREMENT INCENTIVES (Combs) To require an analysis of each proposed retirement incentive plan for Public Employees Retirement System members and to prohibit a member who participates in such a retirement incentive plan from being re-employed by the same employer. Am. 145.297, 145.298, 145.38. Referred to House Financial Institutions, Real

## Estate &amp; Securities.

HB 32 COMPETITIVE BIDDING (Ruhl) To increase the competitive bidding threshold for contracts entered into by a board of park trustees for certain municipal park improvements. Am. 755.29. Referred to House Commerce & Labor.

HB 37 COMPETITIVE BIDDING (Dyer) To require the Department of Administrative Services to maintain a web site database including apparent low bidders who failed to be awarded a contract because they were found not to be "responsible," and to require public entities to conduct investigations when apparent low bidders are suspected of failing or fail to meet the "responsible" prong of the "responsive and responsible" competitive bidding threshold. Am. 9.312 and to enact section 125.112. Referred to House Commerce & Labor.

HB 39 ICE REMOVAL (Fende) To require the removal of snow or ice from special parking locations designated for persons with disabilities within 24 hours after the weather condition causing the snow or ice ceases. Am. 3781.111, 3781.99, and 4511.69. Referred to House Public Safety & Homeland Security.

HB 53 REGIONAL TRANSIT AUTHORITIES (Gardner) To create an additional procedure for subdivisions to join a regional transit authority that levies a property tax and that includes a county having a population of at least 400,000 and to allow a subdivision that is a member of such a regional transit authority to withdraw from the authority. En. 306.322 and 306.55. Referred to House Transportation & Infrastructure.

HB 58 FRAUD REPORTING (McGregor) To require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials. Am. 124.341 and 117.103.

HB 61 ESTATE TAXES (Hottinger, Grossman) To reduce the estate tax by increasing the credit amount, to authorize townships and municipal corporations, or electors thereof by initiative, to exempt from the estate tax and any estate property located in the township or municipal corporation, and to distribute all estate tax revenue originating in a township or municipal corporation that does not exempt property from the tax to the township or municipal corporation. Am. 5731.02,



5731.21, 5731.48, 5731.55 and 5731.56.Referred to House Ways & Means.

HB 72 DEFERRED COMPENSATION/PUBLIC RECORDS (Hottinger, Dodd) To provide for confidentiality of certain records maintained by the Ohio Public Employees Deferred Compensation Board, to require the Treasurer of State to be the custodian of contributions into the deferred compensation program, to require new employees to be notified of the deferred compensation program and provided with the opportunity to elect to participate or not participate in the program, and to make other changes to the Deferred Compensation Law. An. & En. 148.02, 148.04, 3105.87 and 148.05. Referred to House Financial Institutions & Real Estate.

HB 79 VICIOUS DOGS (Sears) To remove pit bulls from the definition of "vicious dog" in state law. Am. 955.11.Referred to House Agriculture & Natural Resources.

HB 86 LAND USE (Hagan) To authorize in certain counties the creation of a land reutilization corporation to facilitate the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property and to authorize in those counties the use of the expedited, nonjudicial foreclosure procedure for abandoned lands. Am.323.78 and 1724.04.