

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

November 21, 2019

OLD BUSINESS – (SECOND READING OF TWO READINGS AND ENACTMENT)

ORDINANCE NO. O – 11 – 19 – 16

AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM

WHEREAS, Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

WHEREAS, the ODOT purchasing representative has advised City staff enactment of this item as an Ordinance will dispense with the need to enact legislation every two years with respect to approval to participate in the ODOT purchasing program specified herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City Manager hereby requests authority in the name of the City of Clayton to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies, or other articles which the Department has entered into pursuant to Ohio Revised 5513.01 (B).
2. That the City Manager is hereby authorized to agree in the name of the City of Clayton to be bound by all terms and conditions as the Director of Transportation prescribes.
3. That the City Manager is hereby authorized to agree in the name of the City of Clayton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Clayton participates, for items it receives pursuant to the contract.
4. That the City Manager agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Clayton agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Clayton may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

5. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
6. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on November 7, 2019 and November 21, 2019.
7. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2019

NEW BUSINESS

ORDINANCES (EMERGENCY)(SINGLE READING AND IMMEDIATE ENACTMENT)

ORDINANCE NO. O – 11 – 19 – 17

AN ORDINANCE AUTHORIZING APPROVAL OF AMENDMENTS TO COLLECTIVE BARGAINING AGREEMENTS FOR PATROL OFFICERS AND SERGEANTS IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, amendments have been negotiated to Collective Bargaining Agreements applicable to the Patrol Officers and Sergeants in the Police Department with respect to wage re-openers for the year 2020.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the appended Amendments to the Collective Bargaining Agreements applicable to the Patrol Officers and Sergeants in the Police Department relative to wages for the year 2020 be and hereby are authorized and approved with effective dates as set forth in the Agreements.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace,

health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2019

ORDINANCE NO. O – 11 – 19 – 18

AN ORDINANCE AUTHORIZING APPROVAL OF AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT FOR FIREFIGHTERS/PARAMEDICS IN THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, via enactment of Ordinance No. O-11-19-17 on November 21, 2019, Council authorized wage increases for the Police Patrol Officers and Police Sergeants of 2.50% for 2020 and;

WHEREAS, the Collective Bargaining Agreement currently in effect for Firefighters/Paramedics states the following at Article 27 with respect to wages for 2020: “If the Police Union received a higher COL increase then 2% the Fire Union will receive the same COL increase.”

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the appended Amendment to the Collective Bargaining Agreement applicable to the Firefighters/Paramedics in the Fire Department relative to wages for the year 2020 be and hereby is authorized and approved with the effective date as set forth in the Agreement.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2019

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 11 – 19 – 72

A RESOLUTION AUTHORIZING A TEN-YEAR PARTICIPATION AGREEMENT WITH THE MONTGOMERY COUNTY ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY (ED/GE) PROGRAM

WHEREAS, the Board of County Commissioners of Montgomery County, Ohio established Economic Development/Government Equity (ED/GE) program in 1992 to spur economic growth as well as create regional cooperation between its jurisdictions;

WHEREAS, cooperation and coordination between the County and the Program Members is intended to promote economic health and improve the economic opportunities of the people in Montgomery County by assisting in the establishment or expansion within the County of industrial, commercial, or research facilities and by creating and preserving job employment opportunities for the people of Montgomery County;

WHEREAS, the Economic Development/Government Equity (ED/GE) program has been in effect since 1992 and is scheduled for another renewal for the period January 1, 2020 through December 31, 2029;

WHEREAS, the Montgomery County program guarantees that no member jurisdiction will ever contribute more funding than it will receive;

WHEREAS, the City of Clayton has received positive return on investment from participation to date in the ED/GE program, and anticipates many more worthwhile economic development projects forthcoming from continuing participation; and

WHEREAS, it is in the best interest of the City to enter into the ED/GE program participation agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, COUNTY OF MONTGOMERY, STATE OF OHIO, AS FOLLOWS:

1. The City Manager is authorized on behalf of the City to enter into an ED/GE Participation Agreement with Montgomery County for a 10-year period beginning January 1, 2020 through December 31, 2029, and to execute collateral agreements directly relating to such participation.
2. That this resolution shall be in full force and effect at the earliest date allowed by law.

RESOLUTION NO. R – 11 – 19 – 73

A RESOLUTION AUTHORIZING THE CITY OF CLAYTON TO ENTER INTO A CONTRACT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER

WHEREAS, R.C. 120.14(E) permits the City to enter into an annual contractual arrangement with the Montgomery County Public Defender to provide legal representation for indigent persons charged with a violation of a municipal ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City is hereby authorized to enter into a contract for 2020 with the Montgomery County Public Defender upon such terms and conditions as are substantially similar to those appended hereto and made a part hereof.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2019

RESOLUTION NO. R – 11 – 19 – 74

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH SUPERIOR DENTAL CARE FOR THE PROVISION OF GROUP DENTAL INSURANCE BENEFITS FOR THE PERIOD JANUARY 1, 2020 TO DECEMBER 31, 2020

WHEREAS, working with the City's insurance broker, dental insurance quotes were received from potential carriers; and

WHEREAS, City Staff and the City Manager recommends for acceptance as most beneficial and favorable to the City, the proposal submitted by Superior Dental Care for the period January 1, 2020 to December 31, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the renewal proposal from Superior Dental Care for the provision of group dental insurance benefits from January 1, 2020 to December 31, 2020 with monthly premium cost not to exceed \$23.66 per employee plan and \$72.66 per multi-enrollee plan is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2019

RESOLUTION NO. R – 11 – 19 – 75

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH THE STANDARD FOR THE PROVISION OF LIFE/AD&D AND SHORT-TERM DISABILITY INSURANCE FOR THE PERIOD JANUARY 1, 2020 TO DECEMBER 31, 2020 AT AN ANNUAL COST NOT TO EXCEED \$14,884.00

WHEREAS, working with the City’s insurance broker, Life/AD&D and Short-Term Disability insurance quotes were received from potential carriers; and

WHEREAS, City Staff and the City Manager recommends for acceptance as most beneficial and favorable to the City, the proposal submitted by The Standard for the period January 1, 2020 to December 31, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the renewal proposal from The Standard for the provision of Life/AD&D and Short-Term Disability insurance from January 1, 2020 to December 31, 2020 at an annual cost not to exceed \$14,884.00 is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2019
