

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, DECEMBER 2, 2014
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**
Approval of the minutes from the November 18, 2014 Regular Piqua City Commission Meeting

OLD BUSINESS

2. **ORD. NO. 15-14** (2nd Reading)
An Ordinance amending Ordinance No. 33-66 relating to the Municipal Income Tax
3. **ORD. NO. 16-14** (2nd Reading)
An Ordinance amending Ordinance No. 8-14 and codified as Ordinance No. 52.20, Exhibit A, Electrical Service Rates and Terms
4. **ORD. NO. 17-14** (2nd Reading)
An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015
5. **ORD. NO. 18-14** (2nd Reading)
An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees
6. **ORD. NO. 19-14** (2nd Reading)
An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees
7. **ORD. NO. 20-14** (2nd Reading)
An Ordinance repealing existing Chapter 33 and enacting a new Chapter 33 of the Piqua Code, relating to Employee Policy

NEW BUSINESS

8. **RES. NO R-125-14**
A Resolution of Appreciation for the Public Service of Cecelia Stoler as a City Employee
9. **RES. NO. R-126-14**
A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance

10. RES. NO. R-127-14

A Resolution requesting authorization to increase the purchase order to CDM Smith for additional design services incurred during the design phase of the new Water Treatment Plant

PUBLIC COMMENT

(This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday, November 18, 2014
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

Mayor Fess introduced Assistant City Manager/Economic Development Director Justin Summer who was acting City Manager in the absence of City Manager Gary Huff who is out of town on City business.

Consent Agenda

Approval of Minutes

Approval of the minutes from the November 4, 2014 Regular City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Consent Agenda. Voice vote: Aye: Martin, Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 14-14 (3rd Reading)

An Ordinance amending Section 77.01-Traffic Schedules adopted, Schedule IV and Schedule VII of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the High Street/College Street intersection

Amy Havenar, City Engineer provided the Staff Report.

This is the third reading of Ordinance No. 14-14. Ms. Havenar stated she provided a brief history on the removal of the traffic signals at the November 4, 2014 Commission Meeting. A study was completed and it was determined by the Ohio Department of Transportation (ODOT) that the traffic signal at High and College Street was not warranted. Therefore, ODOT would not provide funding for this signal. After determining the traffic signal was not warranted the study proceeded to evaluate the justification of a multi-way stop at this intersection. Based upon the criteria for multi-way stops this intersection is justified and was recommended for a 4-way stop.

Both the Planning Commission and the Transportation Committee both approved the removal of the traffic signals at this time.

Mark Hunter, of Eggeman Engineering & Consulting, LLC, came forward and provided a brief overview of the study that was completed regarding the removal of the traffic signals at College and High Streets. Mr. Hunter reviewed the criteria for having a traffic signal at that intersection. Mr. Hunter further stated the traffic signal was not warranted, and if the signal were to remain it would be considered an illegal signal and there would be liability for the city. Mr. Hunter stated he believes the intersection will be more affective as a 4-way stop.

Mayor Fess inquired as to when the other traffic signals on College Street were scheduled to be removed.

Ms. Havenar stated they are scheduled to be removed in 2015, and were included in the previously approved Safe Routes to School Plan.

Mr. Hunter and Ms. Havenar answered all questions. Ms. Havenar provided a brief timeline on the schedule for the traffic signal removal, and the placement of the stop signs.

Mayor Fess stated she only had one telephone call regarding the removal of the traffic signal and the installation of the 4-way stop.

Commissioner Martin stated the several contacts he had were all in favor of removing the traffic signals and installing the 4-way stops.

Commissioner Vogt stated he feels the 4-way stop would actually be safer for the senior citizens crossing the street.

Commissioner Wilson stated he is still concerned about the Senior Citizens living in the area, stating he has seen drivers not stopping or rolling through stop signs. Commissioner Wilson further stated he received quite a few telephone calls from residents that were not in favor of removing the traffic signal and installing the 4-way stops.

Commissioner Terry voiced her concern over removing the traffic signals stating she had only received negative comments. Commissioner Terry also asked Mr. Hunter to explain what illegal traffic signals were, and how it would affect the City of Piqua if the traffic signals were to be left up. Mr. Hunter defined the meaning of illegal traffic signals and the liability to the city. Commissioner Terry inquired as to when the other traffic signals on College Street were scheduled to be removed.

Ms. Havenar explained the use of the 4-way stop would be reviewed by the Police Department, Fire Department, and the Engineering Department after a period of time to see if they are moving the traffic through the intersection in a safe and timely manner.

Commissioners asked several questions regarding the warrants that are required to be met in order for ODOT to fund the lights. Also the time and type of surveillance that was used to make the decision to remove the traffic signals. Commissioners questioned even with a Senior Citizen Housing facility in the area along with a Senior Center, if that would make any difference in ODOT's decision to remove the traffic signals.

Other questions were raised regarding the possibility of installing dedicated crosswalks, why the study was done before the new school was completed and in session. All questions were answered.

Public Comment

George Miller, 316 N. College Street came forward to voice his concern over the safety of the senior citizens who live in the Senior Housing when crossing the streets if the traffic signals are removed at College and High Streets. Mr. Miller presented a petition to Mayor Fess with signatures in opposition of the removal of the traffic signals at College and High Streets.

Mayor Fess stated she feels it is going to be safer for the residents to cross the street with the 4-way stop signs.

Commissioner Terry inquired about the parking spaces that are going to be installed, and how far away from the corner did they have to be for sight distance? Ms. Havenar explained.

Stu Shear, W. Parkway Drive, came forward stating he has seen solar powered flashing lights attached to stop signs in other cities that get your attention, and thought something like that might work. Commissioner Vogt stated he thought that was a very good idea. Ms. Havenar stated that was something she would have to look into.

Brad Boehringer, Mound Street, came forward stating he too has sign a flashing sign on Rt 75 going into Dayton to announce the change in the speed limit, and it seems to work.

William Carpenter, 316 N. College Street, came forward stating he had been hit by a car while crossing at the intersection of College and High Streets, and voiced his concern about removing the traffic signals.

Tracy Battson, ST. RT. 66, came forward to voice her concern for the senior citizens living in the area where the traffic signals are scheduled to be removed.

Police Chief Bruce Jamison stated enforcement is easier with a stop sign versus a traffic signal, and believes the intersection is safer with stop signs.

After a lengthy discussion Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 14-14 be adopted. Roll call, Aye: Martin, Fess, and Vogt. Nay, Terry and Wilson. Motion carried on a 3-2 vote. Mayor Fess declared Ordinance No. 14-14 adopted on a 3-2 vote.

ORD. NO. 15-14 (1st Reading)

An Ordinance amending Ordinance No. 33-66 relating to the Municipal Income Tax

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

Ms. Holtzapple stated with the passage of the safety levy on November 4, 2014, Ordinance No. 15-14 adds the new rates for the additional .25% tax beginning January 1, 2015. This also includes W-2 filing electronic media for entities with more than 100 employees, stated Ms. Holtzapple.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No, 15-14.

Ordinance No. 15-14 was given a first reading.

ORD. NO. 16-14 (1ST Reading)

An Ordinance amending Ordinance No.8-14 and codified as Ordinance No. 52.20, Exhibit A, Electrical Service Rates and Terms

Ed Krieger presented the Staff Report.

The City has moved from a Power Supply mainly composed of market purchases to one that is primarily asset ownership. A recently completed cost-of-service study recommends implementation of amended electric rates to ensure proper cost allocation among customer classes. This Ordinance amends Ordinance 8-1-4 and is codified as Section 52.20.

Don Gruenemeyer of Sawvel & Associates came forward and provided an informational power point presentation regarding the electric cost of service and rate design summary.

Several questions were raised including how the City of Piqua's power rates compare to other cities, how much will the fees increase in the future, and will we own our own power at some point.

PUBLIC COMMENT

Joe Drapp, Park Avenue, also an Piqua Energy Board member, came forward and voiced his opinion, and provided a brief overview of the Energy Board view. Mr. Drapp stated the citizens

of Piqua are not doing this just for them they are doing it for their children and grandchildren. Ordinance No. 16-1-4 was given a first reading.

ORD. NO. 17-14 (1ST Reading)

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

The City is required to present and pass the 2015 Annual Budget by the end of the year. This is the first of three readings of this ordinance with the Commission reviewing the Department Budgets on November 13, and November 20, 2014.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 17-14.

Ordinance No. 17-14 was given a first reading.

ORD. NO. 18-14 (1ST Reading)

An Ordinance repealing Schedule A- of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees

Elaine Barton, Human Resources Director provided the Staff Report.

During the past year the City has undertaken a pay classification study, as this has not been completed in several years. The study only considered positions listed on Schedule A, with 29 surveys being sent out. Positions and pay ranges were reviewed to ensure that not only external comparability had been taken into consideration but also internal comparability, stated Ms. Barton.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 18-14.

Ordinance No. 18-14 was given a first reading.

ORD. NO. 19-14 (1ST Reading)

An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees

Elaine Barton, Human Resource Director provided the Staff Report.

The State of Ohio has increased minimum wage effective January 1, 2015 from \$7.95 per hour to \$8.10 per hour. The wages on Schedule A-12 have been changed to reflect the increase and is the only change made to Schedule A-1 at this time, stated Ms. Barton.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 19-14.

Ordinance No. 19-14 was given a first reading.

ORD. NO. 20-14 (1ST Reading)

An Ordinance repealing existing Chapter 33 and enacting a new Chapter 33 of the Piqua

Code Relating to Employee Policy

Elaine Barton, Human Resources Director provided the Staff Report.

Staff recommends the changes to Chapter 33 revising the date of the health insurance coverage to reflect the current benefit year as well as the reduction to the City's contribution to the employee's health savings or health reimbursement account, and increasing the amount that an employee can earn by participating in certain wellness activities. This is the same language as agreed to in the union contracts.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 20-14.

Ordinance No. 20-14 was given a first reading.

RES. NO. R-116-14

A Resolution authorizing to increase the initial annual purchase order for Kirk NationalLease for heavy equipment repairs for the Public Works Department

Doug Harter, Public Works Director provided the Staff Report.

Currently the City uses an annual purchase order with Kirk NationalLease for heavy equipment repair. Resolution No. R-116-14 is a request to increase the purchase order amount from \$24,000 to \$40,000 to cover any additional repairs that may be needed due to the upcoming winter months. Kirk NationalLease has worked on our equipment for several years and we have always been satisfied with their work. These additional funds will only be used if we have emergency repairs that need to be done between now and the end of the year, stated Mr. Harter.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-116-14.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-116-14 be adopted. Roll call, Aye: Vogt, Wilson, Terry, Martin, and Fess. Nay, None. Mayor Fess then declared Resolution No. R-116-14 adopted.

RES. NO. R-117-14

A Resolution approving the purchase of Excess Liability Insurance

Stacy Wall, Law Director provided the Staff Report.

The City of Piqua has had excess liability coverage for over 20 years for the dams and waterways. This is a specialty insurance that is beyond the scope of what MVRMA covers. This coverage was reviewed to ensure there are no duplicate coverage areas between MVRMA and AEGIS. The premium is increased by 9.7% to reflect market conditions and the continued ageing of the dams, stated Ms. Wall.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-117-14.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-117-14 be adopted. Roll call, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously.

RES. NO. R-118-14

A resolution requesting authorization to enter into an agreement with O.R. Colan Associates for the right-of-way acquisition services for the Safe Routes to School Improvements Project

Amy Havenar, City Engineer provided the Staff Report.

In May of 2012 the city was notified of the award of a Safe Routes to School (SRTS) grant for construction of infrastructure projects around the Piqua Junior High School site, Washington Intermediate School site, and the Wilder Intermediate School site. We are at the point in the design of the project that we need to proceed with the right-of-way acquisition. O. R. Colon Associates was selected to perform the services in part due to their most recent involvement with the CR 25A Phase III Project, CR 25A Phase II Project, and also with the E. Ash Street Project, stated Ms. Havenar. The city received the Safe Routes to School grant funding for the design and construction in the amount of \$499,915.00. Construction is scheduled to begin in the summer of 2015, and the right-of-way acquisition will begin immediately, stated Ms. Havenar.

Commissioner Terry inquired if bump-out curbs were in the plans for any of the areas, and why Wilder School was included in the Safe Routes to School Plan. Amy Havenar, City Engineer explained.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-118-14.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-118-14 be adopted. Roll call, Aye: Terry, Martin, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

RES. NO. R-119-14

A Resolution for preliminary consent to award a contract to J & J Schlaegel, Inc. for the off-site pipeline project as part of the new Water Treatment Plant

Don Freisthler, Water Plant Superintendent provided the Staff Report

On Thursday October 30, 2014 five bids were received for the Off-Site Pipeline Project with J & J Schlagel, Inc. being the lowest bidder. A 5% contingency is included for the project which makes the total amount \$3,137,925.00. We are currently in the process of making application for a loan from Ohio Water Development Authority (OWDA). But before the loan can be approved a resolution of intent to award a contract is required. Once the loan is approved a new Resolution will be brought before the City Commission for approval of the contract to J & J Schlaegel, Inc., stated Mr. Friesthler.

Commissioner Martin asked about the size of the water line being used. Mr. Friesthler explained.

Mayor Fess stated the Commission has had a lengthy discussion at the Budget Session and is well versed on this project.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-119-14.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, that Resolution No. R-119-14 be adopted. Roll call: Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously,

RES. NO. R-120-14

A Resolution for preliminary consent to award a contract to Peterson Construction Company for the Construction of a new Water Treatment Plant

Don Friesthler, Water Plant Superintendent provided the Staff Report.

Mr. Friesthler stated there has been a lot of discussion at the Budget Meeting, and the Work Sessions that were held in regards to this project.

In 2006 a survey was conducted by the Ohio EPA and it showed the age and condition of the current Water Treatment Plant would not meet EPA regulations in the upcoming years, and recommended the City explore option for future needs. Studies were done and it was found that the best viable option was to build a new 6.75 million gallon per day surface water treatment plant,

CDM Smith was contracted by the City to engineer and design the new treatment plant. On October 30, 2014 four bids were received for the project.

We are currently in the process of making application for a loan from the Ohio Water Development Authority (OWDA). But before the loan can be approved a resolution of intent to award a contract is required. Once the loan is approved a new resolution will be brought before the City Commission to approve the awarding of a contract.

Peterson Construction was the low bidder with a base amount of \$35,9000.00, the bid also included two alternate items that the City feels is imperative to include at this time. The bid for these two items is \$302,000.00 with a total project cost of \$38,012,000.00 which includes a 5% contingency, stated Mr. Friesthler.

Rob Knapke of Peterson Construction came forward and provided a brief overview of the project, and answered Commissioners questions.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-120-14.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-120-14 be adopted. Roll call, Aye: Fess, Vogt, Wilson, Terry, and Martin. Nay: None. Motion carried unanimously.

RES. NO. R-121-14

A Resolution for preliminary consent to award a contract to CDM Smith for the construction administration of the new Water Treatment Plant

Bob Jennings, Assistant Water Plant Superintendent provided the Staff Report.

Resolution No. R-121-14 will allow CDM Smith to oversee all aspects of the construction of the plant and ensure that it follows the plans as designed. The contract for the construction administration with CDM Smith is \$4,101,352.00, and we are including a 5% contingency which will bring the total amount to \$4,306,420.00. Once the loan is approved a new resolution will be brought before the City Commission to approve awarding of a contract to CDM Smith, stated Mr. Jennings

Bob Yoxthimer, of CDM Smith provided a brief overview of the project, and answered questions.

Commissioner Vogt stated that Mr. Yoxthimer has worked with the City of Piqua on numerous projects over the years he has been a City Commissioner and knows he will do a good job.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-121-14.

Moved by Commissioner Martin, seconded by Commissioner Terry that Resolution No. R-121-14 be adopted. Roll call, Aye: Vogt, Wilson, Terry, Martin, and Fess. Nay: None. Motion carried unanimously.

RES. NO. R-122-14

A Resolution for preliminary consent to award a contract to CDM Smith for the construction administration of the off-site pipeline project as part of the new Water Treatment Plant

Bob Jennings, Assistant Water Plant Superintendent provided the Staff Report.

Resolution No. R-122-14 will also allow CDM Smith to oversee all aspects of the construction of the pipeline project and ensure that it follows the plans as designed. The contract for the construction administration with CDM Smith is \$519,785.00, and we are including a 5% contingency which brings the total amount to \$545,775.00. Once this loan is approved, a new resolution will be brought before the City Commission to approve the awarding of a contract to CDM Smith, stated Mr. Jennings.

Commissioner Terry inquired as to the timeline is for the off-site pipeline.

Bob Yoxthimer, of CDM Smith provided a brief timeline for the project, further stating it will be completed in advance of the new Water Treatment Plant.

All of these are preliminary plans and a resolution will come before the Commission in the future for the actual project, stated Mr. Jennings.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-122-14.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-122-14 be adopted. Roll call, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay, None. Motion carried unanimously.

RES. NO. R-123-14

A Resolution authorizing the City Manager to apply for, accept, and enter into an Ohio Water Development Authority (OWDA) Fresh Water Loan Program Loan Agreement on behalf of the City of Piqua for construction of the off-site pipeline for the new Water Treatment Plant and designating a dedicated repayment source for the loan

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

Due to the age of the current Water Treatment Plant and its inability to maintain compliance with future Ohio EOPA regulations, City Commission authorized staff to proceed with construction of a new Water Treatment Plant. Funding for the Water Treatment Plant Construction is estimate to be \$47.6 million. Currently, the interest rate on the 30 year loan is 3.54% and may change from now until the loan is awarded in December, 2014. We may also be eligible for a lower rate on part of the borrowing, stated Ms. Holtzapple.

Mayor Fess stated this has been discussed in length in the Budget Meeting, and thanked Ms. Holtzapple for all of her hard work putting this together.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-123-14.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-123-14 be adopted. Roll call, Aye: Terry, Martin, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

RES. NO. R-124-14

A Resolution authorizing the City Manager to apply for, accept, and enter into an Ohio Water Development Authority (OWDA) Fresh Water Loan Program Loan Agreement on behalf of the City of Piqua for construction of the off-site pipeline for the new Water Treatment Plant and designating a dedicated repayment source for the loan

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

This is the second project for the Water Treatment Plant. Due to the age of the current Water Treatment Plant and its inability to maintain compliance with future Ohio EOPA regulations. City Commission authorized staff to proceed with construction of a new Water Treatment Plant. An off-site pipeline is needed as part of this project. Funding for the off-site pipeline project is estimated to be \$4.1 million. Currently, the interest rate on the 30 year loan is 3.54% and may change from now until the loan is awarded in January, 2015. We may also be eligible for a lower rate if approved, stated Ms. Holtzapple

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-124-14.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-123-14 be adopted. Roll call, Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously.

Monthly Reports

Monthly Reports were accepted.

PUBLIC COMMENT

No one came forward to speak at this time.

CITY MANAGER'S REPORT

Mr. Sommer stated the final Budget Meeting for the 2015 Budget will be held on Thursday, November 20, 2014 at 6:00 P.M. in the Administrative Conference Room.

COMMISSIONERS COMMENTS

Commissioner Terry stated the Friends of the Piqua Parks are getting very close to their goal for the statue of William Pitsenbarger. If anyone would still like to donate they may do so by sending their donation to the Friends of the Piqua Parks, P. O. Box 270, Piqua, Ohio 45356.

Commissioner Terry also thanked the citizens of Piqua for their votes for the passage of the Safety Services Levy.

Commissioner Vogt stated they have discussed the Water Treatment Plant projects in several meetings and they understand the need. Commissioner Vogt stated it was a big decision not to hook up with the City of Troy for our water source, but believes we have made the right decision

for the City of Piqua.

Mayor Fess stated the new Water Treatment Plant has been discussed in several of the Work Sessions, and in the Budget Meeting. We are doing this for our children and our grandchildren stated Mayor Fess.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular City Commission Meeting at 9:30 P.M. and adjourn into Executive Session to consider the purchase or sale of property for public purposes. Roll call: Aye: Fess, Vogt, Martin, Terry, and Wilson. Nay, None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from Executive Session and the Regular City Commission Meeting at 9:50 P.M. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay, None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 15-14

AN ORDINANCE AMENDING ORDINANCE NO. 33-66,
RELATING TO THE MUNICIPAL INCOME TAX

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SECTION 1. Ordinance No. 33-66 as enacted July 5, 1966 and as subsequently amended by Ordinance Numbers 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, 20-03, 22-04, and 25-08 is hereby amended to read as follows (with deletions lined out and additions underlined):

Section 1: Purpose

To provide funds for the purposes of permanent improvements, new equipment, extension and enlargement of municipal services and facilities, capital improvements and operating expenses of the City of Piqua, there shall be, and is hereby levied, a tax on income, qualifying wages, commissions and other compensation, net profits, and other taxable income as hereinafter provided.

Section 2: Definitions

As used in this ordinance, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

ADJUSTED FEDERAL TAXABLE INCOME – A C corporation’s federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

- a. Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
- b. Add an amount equal to five percent (5%) of intangible income deducted under Section (2)(a), but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;
- c. Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

- d. (1) Except as provided in Section (2)(d)(2) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;
- (2) Section (2)(d)(1) does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.
- e. Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- f. In the case of a real estate investment trust and regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- g. If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except;
 - (1) Guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; and
 - (2) Amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in Section 2 shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this ordinance shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

ADMINISTRATOR – The individual designated by the Director of Finance, with the approval of the City Manager, to administer and enforce the provisions of the ordinance.

ASSIGNMENT – The assignment made by a resident of the City of Piqua of claim for refund due from another taxing municipality granting credit to non-residents thereof.

ASSOCIATION – A partnership, limited partnership, limited liability company (including a single owner LLC), Chapter S corporation as defined in the federal tax code, 26 U.S.C. 1361, or any other form of unincorporated enterprise owned by two or more persons.

BOARD OF REVIEW – The Board created by and constituted as provided in Section 13 of this ordinance.

BUSINESS – An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed.

CORPORATION – A corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency, but not including Chapter S corporations.

THE DIRECTOR OF FINANCE – The Director of Finance of the City of Piqua, Ohio.

DOMICILE – The permanent legal residence of a taxpayer. A taxpayer may have more than one residence, but not more than one domicile.

EMPLOYEE – One who works for qualifying wages, commission or other type of compensation in the service of an employer.

EMPLOYER – An individual, partnership, association, corporation, governmental body, unit or agency or any other entity, whether or not organized for profit, who or that employs one or more persons on a qualifying wage, commission or other compensation basis.

FISCAL YEAR – An accounting period of twelve (12) months or less ending on any day other than December 31, and used by the taxpayer for Federal Income Tax purposes.

FORM 2106 – The Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

GROSS RECEIPTS – The total revenue derived from sales, work done, or service rendered before any deductions, exceptions or credits are claimed.

INCOME – Shall include all monies derived from any source whatsoever, including but not limited to:

- a. All qualifying wages, commissions, other compensation and other income from whatever source received by residents of Piqua.

- b. All qualifying wages, commission, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in Piqua.
- c. The portion attributable to the city of the net profits of all unincorporated businesses, associations, professions, corporations or other entities from sales made, work done, services performed or rendered, and business or other activities conducted in Piqua.

INTANGIBLE INCOME – Income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. Intangible income does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

INTERNAL REVENUE CODE – The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

JOINT ECONOMIC DEVELOPMENT DISTRICT – Districts created under the Ohio Revised Code sections 715.70 through 715.83, as amended from time to time.

LIMITED LIABILITY COMPANY – A limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

MUNICIPALITY – The City of Piqua.

NET PROFITS – A net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses, either paid or accrued in accordance with the accounting system used by the taxpayer for Federal Income Tax purposes, without deduction of taxes imposed by this ordinance, federal, state and other taxes based on income; and in the case of an association, without deduction of qualifying wages paid to partners and other owners; and otherwise adjusted to the requirements of this ordinance.

Net profits shall include any amount or value received, realized or recognized in a sale or other disposition of tangible personal property or real property used in business, in excess of book value.

NON-RESIDENT – An individual domiciled outside the City of Piqua.

NON-RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity not having an office or place of business within the City of Piqua.

NONQUALIFIED DEFERRED COMPENSATION PLAN – A compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

PERSON – Every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

PLACE OF BUSINESS – Any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity, individually or through one or more of his regular employees regularly in attendance.

QUALIFIED PLAN – A retirement plan satisfying the requirements under Section 401 of the Internal Revenue Code as amended.

QUALIFYING WAGES – Wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted in accordance with Section 718.03(A) of the Ohio Revised Code.

RESIDENT – An individual domiciled in the City of Piqua.

RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity having an office or place of business within the City of Piqua.

RULES AND REGULATIONS – Administrative directives promulgated by the Administrator and approved by the Board of Review for the purpose of administering this ordinance.

SCHEDULE C – The Internal Revenue Service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

SCHEDULE E – The Internal Revenue Service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.

SCHEDULE F – The Internal Revenue Service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.

S CORPORATION – A corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

TAXABLE INCOME – Qualifying wages, and other compensation paid by an employer or employers before any deductions and/or the net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of the ordinance. Please refer to INCOME.

TAXABLE YEAR – The calendar year, or the fiscal year upon the basis of which the net profits are to be computed under the ordinance and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

TAXING MUNICIPALITY – Any municipal corporation levying a municipal income tax on income, qualifying wages, commissions and other compensation earned by individuals, and on the net profits and other taxable income earned from the operation of a business, profession or other activity.

TAXPAYER – A person, whether an individual, partnership, association or any corporation or other entity, required under this ordinance to file a return or pay a tax.

Section 3: Imposition of Tax

A. Subject to the provisions of Section 16 of this ordinance, an annual tax for the purposes specified in Section 1 hereof shall be imposed at the rate of ~~one and three-fourths~~ two percent (1.75%) (2%) per annum.

The first one percent (1%) of said tax shall be levied until repealed by this commission; the next ~~one-half three-fourths~~ percent (.5%) (.75%) until repealed by the electorate; and the remaining one-fourth percent (.25%) from January 1, 1991 through December 31, 2020 and upon:

1. All qualifying wages, commissions, other compensation and other income earned or received during the effective period of this ordinance by residents of the City of Piqua.
2. All qualifying wages, commissions, other compensation earned and other income earned or received during the effective period of this ordinance by nonresidents for work done or services performed or rendered in the City of Piqua.
3. a. The portion attributable to the City of Piqua of the net profits earned or received during the effective period of this ordinance, of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua.
b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a resident unincorporated business entity not attributable to the City of Piqua and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner, taxable hereunder on income attributable to another taxing municipality, shall be subject to the Relief and Reciprocity Provisions of Section 15 hereof.

4. a. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such unincorporated business entity has an office or place of business in the City of Piqua.
 - b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a nonresident unincorporated business entity not attributable to the City of Piqua and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner taxable hereunder on income attributable to another taxing municipality shall be subject to the Relief and Reciprocity provisions of Section 15 hereof.
5. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such corporations have an office or place of business in the City of Piqua.
 6. All income received as gambling winnings as reported on IRS Form W-2G, Form 5754 and or any other Form required by the Internal Revenue Service that reports winnings from gambling, prizes and lottery winnings. Gambling losses are not deductible unless losses are supported by an independent verifiable statement.
- B. The portion of the net profits attributable to the City of Piqua of a taxpayer conducting a business, profession or other activity, both within and without the boundaries of the City of Piqua, shall be determined as provided in Section 718.02 of the Revised Code of Ohio and in accordance with the Rules and Regulations.

C. OPERATING LOSSES

- a. The Municipality does not allow a net operating loss carryback or carryforward.
- b. Losses from federal schedules and other sources reported for federal income tax purposes cannot be used to offset qualifying wages, commissions, other compensation and other taxable income earned or received by residents or nonresidents of the Municipality.

If an individual is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity may be used to offset the profits of another (except any portion of a loss or profit separately reportable for municipal tax purposes to another taxing entity) for purposes of arriving at overall net profits or net operating loss.

D. CONSOLIDATED RETURNS

1. Any affiliated group, which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code, may file a consolidated return with the City of Piqua. However, once the affiliated group has elected to file a consolidated return or a separate return with Piqua, the affiliated group may not change its method of filing in any subsequent tax year without written approval from Piqua.
2. In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City of Piqua, constituting a portion only of its total business, the Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City of Piqua. If the Administrator finds net profits are not properly allocated to the City of Piqua by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Administrator shall make such allocations as the Administrator deems appropriate to produce a fair and proper allocation of net profits to the City of Piqua.

Section 4: Effective Period

The first one percent (1%) of said tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to net profits of businesses, professions or other activities earned from January 1, 1977, and until repealed by this Commission.

The next one-half percent (.5%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1984 and until repealed by the electorate.

The next one-fourth percent (.25%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 2015 and until repealed by the electorate.

The remaining one-fourth percent (.25%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1991 through December 31, 2020.

Section 5: Return and Payment of Tax

- A. Each taxpayer who engages in business or other activity or whose qualifying wages, commissions, other compensation and other taxable income is subject to the tax imposed by this ordinance, and every resident shall, make and file a return on or before April 15th of each year, whether or not a tax is due. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed by the 15th day of the fourth month from the end of such fiscal year or period. The Administrator is hereby authorized to provide by regulation in accordance with Rules and Regulations that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the qualifying wages, commissions, other compensation or other income of nonresident employee, and paid by the employer or employers to the Administrator, shall be accepted as the return required of any nonresident employee whose sole income, subject to tax under this ordinance, is such qualifying wages, commissions, other compensation or other income.

The Administrator shall also have authority to require that certain retired individuals may be exempt from this section, providing that no reportable or taxable income exists beyond income exempt from taxation as provided by this ordinance.

- B. The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, or on a generic form, setting forth:
1. a. The aggregate amount of qualifying wages, commissions, other compensation and other income earned or received; and
 - b. The gross income from a business, profession or other activity less allowable expenses incurred in the acquisition of such gross income;
 - c. Such income shall include only income earned or received during the year, or portion thereof, covered by the return and subject to the tax imposed by this ordinance;
 2. a. The amount of tax imposed by this ordinance on income reported,
 - b. Any credits to which the taxpayer may be entitled under the provisions of Sections 6, 7 and 15 of this ordinance; and
 3. Such other pertinent statements, information returns or other information as the Administrator may require.
 4. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms

without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.

- C. The Administrator may extend the time for filing of the annual return upon the request of the taxpayer for a period of not to exceed six (6) months, or one (1) month beyond any extension requested of or granted by the Internal Revenue Service for filing of the Federal Income Tax Return (whichever occurs later). The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due.

No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

- D. 1. The taxpayer making a return shall, at the time of filing thereof, pay to the Administrator the balance of tax due, if any, after deducting:
- a. The amount of City of Piqua Income Tax deducted or withheld at the source pursuant to Section 6 hereof;
 - b. Such portion of the tax as has been paid on declaration by the taxpayer pursuant to Section 7 hereof;
 - c. Any credit allowable under the provisions of Section 15 hereof.
2. Should the return, or the records of the Administrator, indicate an overpayment of the tax to which the City of Piqua is entitled under the provisions of this ordinance, such overpayment shall first be applied against any existing liability and the balance, if any, at the election of the taxpayer communicated to the Administrator, shall be refunded or transferred against any subsequent liability. Provided, however, that overpayment of less than five dollars (\$5.00) shall not be refunded.
- E. 1. AMENDED RETURNS. Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 11 and 15. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.
2. Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's City of Piqua tax liability, such taxpayer shall make and file an amended City of Piqua return showing income subject to the City of Piqua

tax based upon such final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

Section 6: Collection at Source

- A. 1. Each employer within or doing business within the City of Piqua who employs one or more persons on a qualifying wage, commission, other compensation or other income basis shall, at the time of payment thereof, deduct the tax of ~~one and three-fourths~~ two percent (1.75%) (2%) from the qualifying wages, commissions, other compensation or other income earned or received by Piqua residents regardless of where such compensation was earned or received and shall deduct the tax of ~~one and three-fourths~~ two percent (1.75%) (2%) from the qualifying wages, commissions, other compensation or other income earned or received within Piqua by non-residents;
2. Notwithstanding the provisions of paragraph A. 1. of this Section, where such employer employs a Piqua resident in another taxing municipality requiring such employer to deduct its tax from all employees engaged therein, such employer shall withhold for, and remit to, the City of Piqua only the difference, if any, between the tax imposed by such other taxing municipality and the tax imposed by this ordinance;
3. Each employer shall, on or before the 15th day of the month or quarter following such withholding, make a return and remit to the City of Piqua the tax hereby required to be withheld. Employers shall deposit withholding to the City of Piqua on a monthly basis if the tax liability for the previous year equals or exceeds three thousand dollars (\$3,000.00). Such return shall be on a form or forms prescribed by, or acceptable to, the Administrator and shall be subject to the Rules and Regulations. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have, in fact, been withheld.
4. On or before the 28th day of February following any calendar year, such employer shall file with ^{the} Administrator an information return for each employee from whom City of Piqua Income Tax has been, or should have been, withheld, showing the name, address and Social Security number of the employee, the total amount of compensation paid during the year and the amount of City of Piqua Income Tax withheld from such employee. Employers with more than 100 employees shall provide the information required by this Section 6(A)(4) in the format and on the electronic media specified in the rules and regulations.
5. An employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.

6. a. An employee is not relieved from liability for a tax by the failure of the employer to withhold the tax as required by a municipal corporation or by the employer's exemption from the requirements to withhold the tax.
 - b. The failure of an employer to remit to the municipal corporation the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the tax withheld.
- B. Such employer, in collecting said tax, shall be deemed to hold the same until payment is made by such employer to the City of Piqua, as a Trustee for the benefit of the City of Piqua and any such tax collected by such employer from his employees shall, until the same is paid to the City of Piqua, be deemed a trust fund in the hands of such employer.
- C. All employers that provide any contractual service within Piqua, and who employ subcontractors in conjunction with that service, shall provide Piqua the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding requirements under this ordinance.
- D. In addition to the wage reporting requirements of this section, any person required by the Internal Revenue Service to report on Form 1099-Misc. payments to individuals not treated as employees for services performed shall also report such payments to the Municipality when the services were performed in the Municipality. The information may be submitted on a listing, and shall include the name, address and social security number (or federal identification number), and the amount of the payments made. Federal form(s) 1099 may be submitted in lieu of such listing. The information shall be filed annually on or before February 28 following the end of such calendar year.
- E. DOMESTIC SERVANTS. No person shall be required to withhold the tax on the qualifying wages, commissions, other compensation, and other taxable income paid domestic servants employed exclusively in or about such person's residence. However, such domestic servants shall be responsible for filing and paying their own returns and taxes.

Section 7: Declarations

- A. Every person who anticipates any taxable income which is not subject to Section 6 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 3 hereof shall file a declaration setting forth such estimated income of the estimated profit or loss from such business activity, together with the estimated tax due thereon, if any.
- B. 1. Such declaration shall be filed on or before April 15 of each year during the life of this ordinance, except that no penalties or interest shall be assessed, for not filing a declaration, on any resident taxpayer who was not domiciled in Piqua on the

- first day of January of the year in which they became subject to estimated payments, nor shall penalties or interest be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent of the previous year's tax liability, provided that the previous year reflected a twelve-month period.
2. Those taxpayers reporting on a fiscal year basis shall file a declaration within 15 days of the fourth month after the beginning of each fiscal year or period.
- C.
1. Such declaration shall be filed upon a form furnished by, or obtainable from, the Administrator, or on a generic form. Credit shall be taken for Piqua income tax to be withheld, if any, from any portion of such income. In addition, credit may be taken for tax payable to other taxing municipalities in accordance with the provisions of Section 15 hereof.
 2. The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.
 3. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.
- D. The taxpayer making the declaration shall, at the time of the filing thereof, pay to the Administrator at least one-fourth (1/4) of the estimated annual tax due after deducting:
1. Any portion of such tax to be deducted or withheld at the source pursuant to Section 6 hereof;
 2. Any credits allowable under the provisions of Section 15 hereof; and
 3. Any overpayment of previous year's tax liability which taxpayer has not elected to have refunded. Provided, however, the taxpayer may elect to apply any overpayment of previous tax liability to any one or more installments of the estimated annual tax.

At least a similar amount shall be paid on or before the 15th day of the sixth, ninth and thirteenth month after the beginning of taxpayer's taxable year, provided that in case an amended declaration has been duly filed, or the taxpayer is taxable for a portion of

the year only, the unpaid balance shall be paid in equal installments on or before the remaining payment dates.

- E. On or before the 15th day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City of Piqua shall be paid therewith in accordance with the provisions of Section 5 hereof.

Section 8: Duties of the Administrator

- A. 1. It shall be the duty of the Administrator to receive the tax imposed by this ordinance in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received to the Director of Finance.

2. It shall be the duty of the Administrator to enforce payment of all taxes owed the City of Piqua, to keep accurate records for a minimum of six (6) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and amounts of payments thereof.
- B. Said Administrator is hereby charged with the enforcement of the provisions of this ordinance, and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce Rules and Regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this ordinance, including provisions for the re-examination and correction of returns.
- C. In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the City of Piqua from the taxpayer and shall send to such taxpayer and tax practitioner a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.
- D. Subject to the consent of the Board of Review and pursuant to the Rules and Regulations, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 10 of this ordinance.

Section 9: Investigative Powers of the Administrator Penalty for Divulging Confidential Information

- A. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal Income tax returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to the

provisions of this ordinance, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this ordinance.

Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish upon written request by the Administrator, or the Administrator's duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations are hereby authorized.

- B. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before the Administrator and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal Income Tax returns and the attendance of all persons before the Administrator, whether as parties or witnesses, whenever the Administrator believes such persons have knowledge of such income or information pertinent to such inquiry.
- C. The refusal to produce books, papers, records and Federal Income Tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax, or by any officer, agent or employee of a person subject to the tax or required to withhold tax, or the failure of any person to comply with the provisions of this Section or with an order or subpoena of the Administrator authorized hereby, shall be deemed a violation of this ordinance punishable as provided in Section 12 hereof.
- D. Any information gained, as the result of any returns, investigations, hearings or verifications required or authorized by this ordinance shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City of Piqua who violates the provision of this Section relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

- E. Every taxpayer shall retain all records necessary to compute his or her tax liability for a period of six (6) years from the date his or her return is filed, or the withholding taxes are paid.

Section 10: Interest and Penalties

- A. All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this ordinance and remaining unpaid after they become due shall bear interest at the rate of one percent (1%) per month.

B. In addition to interest as provided in paragraph A hereof, penalties based on the unpaid tax are hereby imposed as follows:

1. For failure to pay taxes due, a penalty of one percent (1%) per month with a maximum of twenty-five percent (25%) of the net tax liability and with an annual minimum \$20. The \$20 minimum is waived for first-time filers and if taxes are paid within two weeks of filing.
2. For failure to remit taxes withheld or required to be withheld from employees: Three percent (3%) per month.
3. Where the taxpayer has failed to file a return by the due date or by the date resulting from extension, a failure to file fee of twenty-five dollars (\$25.00) may be assessed.
4. Where the employer has failed to file monthly or quarterly returns by the due dates, a failure to file fee of twenty-five dollars (\$25.00) may be assessed per each return.

C. EXCEPTIONS

1. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator, or filed in accordance with Article VII, Section C of the Rules and Regulations; and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after final determination of the federal tax liability.
2. The city shall not impose any penalty, interest, or other similar assessment or charge against a taxpayer for the late payment or nonpayment of estimated tax liability in either of the following circumstances:
 - (a) The taxpayer is an individual who resides in the city but was not domiciled there on the first day of January of the current calendar year;
 - (b) The taxpayer has timely remitted an amount at least equal to one hundred percent (100%) of the taxpayer's tax liability for the preceding year as shown on the return filed by the taxpayer for the preceding year, provided that the return for the preceding year reflected a twelve-month period and taxpayer filed a return for the preceding year.

- D. A return check fee will be assessed in an amount set periodically in the Rules and Regulations promulgated by the Tax Administrator.
- E. Upon recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both.

Section 11: Collection of Unpaid Taxes and Refunds of Overpayment

- A. All taxes imposed by this ordinance shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amounts are recoverable. Except in the case of fraud, omission of twenty-five percent (25%) or more of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three (3) years from the time the return was due or filed, whichever is later. In the case of fraud, omission of 25% or more of income subject to this tax, or failure to file a return, all additional assessments shall be made and all prosecutions to recover Piqua's income taxes and penalties and interest thereon shall be brought within six (6) years after the tax was due or the return was filed, whichever is later. In those cases in which the Commissioner of Internal Revenue and the taxpayer have executed a waiver of the federal statute of limitation, the period within which an additional assessment may be made by the Administrator shall be one (1) year from the time of the final determination of the federal tax liability.
- B. Those officers or employees having control or supervision of, or charged with, the responsibility of filing the return and making payments for a corporation or association shall be personally liable for failure to file the return or pay the taxes and penalties and interest due as required. The dissolution, bankruptcy, or reorganization of any employer does not discharge the officers' or employees' liability for a prior failure of such business to file a return or pay the taxes due.
- C. Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date which such payment was made or the return was due, or within three (3) months after final determination of the federal tax liability, whichever is later.
- D. Amounts of less than five dollars (\$5.00) shall not be collected or refunded.

Section 12: Violations – Penalties

- A. Any person who shall:
 - 1. Fail, neglect or refuse to make any return or declaration required by this ordinance; or

2. Make any incomplete, false or fraudulent return; or
3. Fail, neglect or refuse to pay the tax, penalties or interest imposed by this ordinance; or
4. Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator; or
5. Refuse to permit the Administrator or any duly authorized agent or employee to examine his or her books, records, papers and Federal Income Tax returns relating to the income or net profits of a taxpayer; or
6. Fail to appear before the Administrator and to produce his or her books, records, papers or Federal Income Tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator; or
7. Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
8. Fail to comply with the provisions of this ordinance, the Rules and Regulations or any order or subpoena of the Administrator authorized hereby; or
9. Give to an employer false information as to his or her true name, correct Social Security number and residence address, or fail to promptly notify an employer of any change in residence address and date thereof; or
10. Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and City of Piqua tax withheld, or to knowingly give the Administrator false information; or
11. Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this ordinance.

Shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both, for each offense.

- B. All prosecutions under this Section must be commenced within three (3) years from the time to the offense complained of except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which event the limitation of time within which prosecution must be commenced shall be six (6) years from the date the return was due or the date the false or fraudulent return was filed.
- C. The failure of any employer or person to receive or procure a return declaration or other required form shall not excuse him or her from making any information return, return or declaration, from filing such form, or from paying the tax.

Section 13: Board of Review

- A. A Board of Review, consisting of the City Manager, who shall act as chairman, and two other individuals, each to be appointed by the Mayor of the City of Piqua, is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 9 hereof, with reference to the confidential character of information required to be disclosed by this ordinance, shall apply to such matters as may be heard before the Board of Review.
- B. All Rules and Regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this ordinance, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request of the taxpayer or Administrator, is empowered to substitute alternate methods of allocation.
- C. Any person dissatisfied with any ruling or decision of the Administrator, which is made under the authority conferred by this ordinance, may appeal therefrom to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Administrator provided the taxpayer making the appeal has filed with the City of Piqua the required return or other documents concerning the obligation at issue. The appeal shall be in writing and shall state why the decision should be deemed incorrect or unlawful. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

Section 14: Use of Funds

The total income tax funds collected under the provisions of this ordinance shall be held by the Director of Finance in a separate fund known as the "INCOME TAX FUND" and shall be deposited in a separate account, or accounts, in such bank or banks, as the Director in his or her sole discretion may decide.

Relating to the first one percent (1%), not less than twenty-eight percent (28%) shall be used for the construction, operation and maintenance of streets, including the draining thereof. Not less than twenty-one percent (21%) shall be used for permanent improvements and operation of the Safety Department. Not less than seven percent (7%) shall be used for permanent improvements and operation of City parks. Not more than forty-four percent (44%) shall be used for General Fund purposes, other than those listed above, and for the purpose of paying the cost of collecting the tax levied by this ordinance and the cost of administering and enforcing the provisions thereof.

The funds collected under the provisions of this ordinance relating to the next ~~one-half~~ three-fourths percent (~~.5%~~) (.75%) levy in excess of one percent (1%) shall be used entirely for capital and operating needs of police, fire and public safety-related services.

The funds collected under the provisions of this ordinance relating to the remaining one-fourth percent (.25%) levy shall be used entirely for the construction, reconstruction and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins.

Section 15: Relief and Reciprocity Provisions

It is the intent of this section that a taxpayer, subject to tax in more than one municipality on the same income, who has complied with the provisions hereof, shall not be required by this ordinance to pay a total municipal income tax on such income greater than the tax imposed at the higher rate.

- A. When a resident of Piqua is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this ordinance, and such other municipality does not allow a credit to its non-residents, such Piqua resident may claim a credit of the amount of such tax paid to such other municipality, but not in excess of the tax assessed by this ordinance.
- B. The City of Piqua shall grant a credit against the tax imposed by this ordinance to every taxpayer who works in a joint economic development zone created under section 715.691 or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Ohio Revised Code. The credit shall not exceed the tax assessed by this ordinance on such income earned in such joint economic development zone or joint economic development district where such tax is paid.

Section 16: Saving Clause

If any sentence, clause, section or part of this ordinance, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared to be the intention of the Commission of the City of Piqua that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 17: Exclusions From Taxation

The provisions of this Ordinance shall not be construed as levying a tax upon the following:

- A. Military pay or allowances of members of the Armed Forces of the United States and of members of their reserve components, including the National Guard.
- B. Poor relief, pensions, including Social Security benefits, unemployment compensation or similar payments, including disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- C. Alimony received
- D. Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- E. Any charitable, educational, fraternal or other type of non-profit association or organization enumerated in Section 718.01 of the Revised Code of Ohio, which is exempt from payment of real estate taxes, is exempt from payment of the tax imposed by this ordinance.
 - a. Any association or organization falling in the category listed in the preceding paragraph not exempt from the payment of real estate taxes is required to file declarations and final returns and remit the taxes levied under this ordinance on all business activities of a type ordinarily conducted for profit by taxpayers operating for profit.
 - b. Where such non-profit association or organization conducts income-producing business, both within and without the corporate limits, it shall calculate its profits allocable to the City of Piqua under the method or methods provided above.
- F. Any association, organization, corporation, club or trust, which is exempt from federal taxes on income by reason of its charitable, religious, educational, literacy, scientific, etc. purposes.
- G. Gains from involuntary conversion and capital gains, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the State of Ohio, as of the date of enactment of Ordinance 33-66 (being 7/5/66), and income of a decedent's estate during the period of administration (except such income from the operation of a business).
- H. Earnings and income of all persons 17 years of age and under. Earnings and income will be taxable for the portion of the year after which they become 18.

- I. Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned or licensed by a religious body constituting a church or church denomination.
- J. Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually.
- K. Intangible income.
- L. The income of a public utility, when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the Ohio Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745 of the Ohio Revised Code:
 - a. The income of an electric company or combined company;
 - b. The income of a telephone company.

As used in Section 17 (L) of this ordinance, "combined company", "electric company", and "telephone company" have the same meanings as in Section 5727.01 of the Ohio Revised Code.

- M. The City of Piqua shall not tax the compensation paid to a nonresident individual for personal services performed by the individual in the City of Piqua on twelve (12) or fewer days in a calendar year unless one of the following applies:
 - a. The individual is an employee of another person, the principal place of business of the individual's employer is located in another municipality in Ohio that imposes a tax applying to compensation paid to the individual for services paid on those days; and the individual is not liable to that other municipality for tax on the compensation paid for such services.
 - b. The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such promoter, all as may be reasonably defined by the City of Piqua.

Section 18: Collection of Tax After Termination of Ordinance

- A. This ordinance shall continue effective insofar as the levy of taxes is concerned until repealed by the electorate, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this ordinance are concerned, it shall continue effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and

prosecutions for the collection of said taxes or for the punishment of violations of this ordinance shall have been fully terminated, subject to the limitations contained in Sections 11 and 12 hereof.

- B. Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and 6 of this ordinance as though the same were continuing.

SECTION 2: Ordinances 33-66, 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, 20-03, 22-04 and 25-08 as previously enacted, are hereby repealed;

SECTION 3: This Ordinance shall take effect and be in force beginning January 1, ~~2009~~ 2015.

1st Reading – 11/18/2014

PASSED:

LUCINDA L. FESS, MAYOR

ATTEST:

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 18, 2014 December 2, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Ordinance Amending Ordinance No.33-66, Relating to the Municipal Income Tax		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager, Finance Director Department: Income Tax/Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	With the passage of the safety levy on November 4, 2014, we need to update the ordinance with the correct rates for collection of the additional (.25%) tax beginning January 1, 2015. This also includes W-2 filing via electronic media for entities with more than 100 employees.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$	
	Expenditure \$:	\$	
	Source of Funds:	Tax Collections	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Ordinance No. 15-14 accepting the amendments for municipal income tax for the City of Piqua.	
	2.	Do not approve the Ordinance and advise staff of alternatives.	
PROJECT TIMELINE	Changes will be effective January 1, 2015		
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 15-14 accepting the Ordinance to reflect the proper tax rate beginning January 1, 2015.		
ATTACHMENTS			

ORDINANCE NO. 16-14

**AN ORDINANCE AMENDING ORDINANCE NO. 8-14
AND CODIFIED AS ORDINANCE NO. 52.20, EXHIBIT A,
ELECTRICAL SERVICE RATES AND TERMS**

WHEREAS, the City has moved from a Power Supply portfolio mainly composed of market purchases to one that is primarily asset ownership; and

WHEREAS, a recently completed cost-of-service study recommends implementation of amended electric rates to ensure proper cost allocation among customer classes.

NOW THEREFORE, BE IT RESOLVED BY the Piqua City Commission, a majority of members concurring that:

SECTION 1: That Ordinance No. 8-14 and Codified as Section No. 52.20, Exhibit A is hereby amended in accordance with attached Exhibit A.

SECTION 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law such that all billings issued after January 15, 2015 shall conform to this Ordinance.

LUCINDA L. FESS, MAYOR

1st Reading 11/18/2014

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

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Electric Rates
Exhibit A
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Piqua Municipal Power System
Electric Rates

RESIDENTIAL SERVICE – SCHEDULE R

APPLICABLE:

This schedule is applicable to electric service for residential dwellings, and churches.

CHARACTER OF SERVICE:

Single or three phase, 60 Hertz, alternating current will be supplied at standard voltages as available through one transformer.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Customer Charge:	\$15.060	\$5.60	\$5.60
Energy Charge (\$/kWh):	<u>\$0.09969</u>		
First 500 kWh	\$0.07773	\$0.08240	\$0.08706
All over 500 kWh	\$0.07246	\$0.07681	\$0.08116

Minimum Charge: The Customer Charge

POWER COST ADJUSTMENT:

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the cost of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

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~~RATE STABILIZATION RIDER CREDIT:~~

~~Bills computed in accordance with the foregoing rates are subject to the Rate Stabilization Rider Credit, Schedule RSRC.~~

TERMS AND CONDITIONS:

Service hereunder is subject to the General Service Regulations of the City applicable to Electric Service.

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Piqua Municipal Power System
Electric Rates

GENERAL POWER SERVICE – SCHEDULE GP

APPLICABLE:

This schedule is applicable to all commercial and industrial customers that do not qualify under Residential Service – Schedule R.

If a customer requests service from the City and that customer is atypical of customers receiving service under the current rate design, the City will revisit its Cost of Service analysis and develop a rate that is representative of the cost to serve such customer. The City may also require a contract for service with said customer if an atypical investment is associated specifically with serving the customer. The City reserves the right to determine, in its sole judgment, the applicability of this Schedule to a customer requesting service.

CHARACTER OF SERVICE:

Single or three phase, 60 Hertz alternating current will be supplied at standard voltages as available through one transformation.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

Commercial

Customer Demand Less than 500 Kilowatts

Where customer demand for the billing period was less than 500 kilowatts.

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Customer Charge:	\$ <u>208.00</u> 56	\$8.56	\$8.56
Demand Charge (\$/kW):			
First 5 kW	\$0.00	\$0.00	\$0.00
All Above 5 kW	\$ <u>157.90</u>	\$10.80	\$14.65
Energy Charge (\$/kWh):			
First 600 kWh	\$0. <u>1110</u> 690	\$0.07943	\$0.08955
	1		
Next 4,400 kWh	\$0.05898	\$0.04955	\$0.03992
Next 20,000 kWh	\$0.05524	\$0.04082	\$0.02625
All over <u>25,060</u> kWh	\$0.04 <u>85</u> 92	\$0.03597	\$0.02590

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Minimum Charge: The Customer Charge

Industrial

Customer Demand 500 Kilowatts or More (Effective For Billings After 01/15/2015):

Where customer demand for the billing period was greater than or equal to 500 kilowatts.

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Customer Charge:	\$658.0056	\$8.56	\$8.56
Demand Charge (\$/kW):			
All kW	\$150.154	\$12.01	\$13.49
Energy Charge (\$/kWh):			
First 200,000 kWh	\$0.04753900	\$0.03331	\$0.02762
Next 300,000 kWh	\$0.03860	\$0.03256	\$0.02651
All over 2500,000 kWh	\$0.04557382	\$0.03201	\$0.02582
	+		

Minimum Charge: The Customer Charge plus the Demand Charge

BILLING DEMAND:

The monthly billing demand shall be:

The maximum fifteen (15) minute integrated KW demand for the billing month; determined as follows shall be the greater of:

- a. On peak is defined as 100% of the maximum demand recorded during the hours beginning 0800 until 2330 on Monday through Friday.
- b. Off peak is defined as 25% of the maximum demand recorded during all hours not included in a) and in addition shall also include the following Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

ADJUSTMENT FOR PRIMARY METERING:

Where a transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the Piqua Municipal Power System may elect to

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meter the service on the primary side of the transformer in which case the metered demand and energy shall each be reduced 1%.

ADJUSTMENT FOR PRIMARY SERVICES:

If, at the option of the customer, electric service is rendered and metered at a primary voltage of the Piqua Municipal Power System, metered demand will be reduced 5% and metered energy will be reduced 1%. To qualify for this adjustment, customer must own, operate and maintain all necessary transforming, controlling, regulating and protective equipment.

ADJUSTMENT FOR POWER FACTOR:

The maximum fifteen-minute kilowatt of demand for the month shall be increased by 1% for each 1% or major fraction thereof that the average power factor is less than 85% lagging.

$$\text{AVERAGE POWER FACTOR} = \frac{\text{KWH}}{\sqrt{\text{KWH}^2 + \text{KVARH}^2}}$$

POWER COST ADJUSTMENT:

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the costs of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

~~RATE STABILIZATION RIDER CREDIT:~~

~~Bills computed in accordance with the foregoing rates are subject to the Rate Stabilization Rider Credit, Schedule RSRC.~~

TERMS AND CONDITIONS:

Service hereunder is subject to the General Service Regulations of the City applicable to Electric Service.

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PRIVATE OUTDOOR LIGHTING SERVICE – SCHEDULE OL

APPLICABLE:

To all consumers served by the Piqua Municipal Power System.

CHARACTER OF SERVICE:

This service is available for all outdoor lighting service to any consumer when such service can be supplied by the installation of lighting fixtures on existing City poles and supplied directly from existing secondary circuits, except as provided herein. The Piqua Municipal Power System reserves the right to approve or disapprove any or all customer requests for private outdoor lighting installations, including the application, number and location of fixtures, poles and aerial spans.

RATE (Effective For Billings After 01/15/2015):

For each lamp with luminaire and, where needed, an upsweep arm not over six (6) feet in length, controlled automatically, where service is supplied from existing facilities of the City:

	<u>Estimated kWh</u>
100 Watt High Pressure Sodium	\$ 7.9235 per month <u>41</u>
250 Watt High Pressure Sodium	\$ 109.2835 per month <u>103</u>
400 Watt Metal Halide	\$ 172.2630 per month <u>157</u>
1000 Watt Metal Halide	\$ 2016.9500 per month <u>331</u>

POWER COST ADJUSTMENT

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the costs of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

AERIAL SERVICE:

Secondary aerial spans shall be supplied, where necessary, for an additional charge of \$0.60 per month per span.

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Additional 30 ft. class 6 wood poles shall be supplied and installed, only on the consumer's private property, for an additional charge of \$1.90 per month per standard wood pole.

Additional 35 ft. class 4 wood poles shall be supplied and installed, only on the consumer's private property, for an additional charge of \$2.30 per month per standard wood pole.

TERMS AND CONDITIONS:

All service and necessary maintenance will be performed only during the regular scheduled working hours of the City. It is the intent of the Piqua Municipal Power System to effect repairs within three (3) days of failure notification except during system emergency conditions.

All electric service of the City is rendered under and subject to the General Service Regulations.

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TEMPORARY ELECTRIC SERVICE – SCHEDULE TS

APPLICABLE:

Applicable service for only a short period of time such as traveling shows, carnivals, fairs, church socials, construction sites, etc. Not applicable to service to recurring seasonable loads.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

In cases where service is available from existing Piqua Municipal Power System facilities, the customer will be billed a \$100 temporary service charge. In addition, the customer will be billed under the appropriate rate schedule for power usage.

Where the Piqua Municipal Power System is required to install additional facilities that will not be used in providing permanent service to the customer, the customer will be charged the total estimated cost of installing and removing the temporary facilities. This estimated temporary facility charge will take the place of the normal \$100 charge outlined above. In addition, the customer will be billed under the appropriate rate schedule for power usage.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

POWER COST ADJUSTMENT:

Bills computed in accordance with the above provisions are subject to adjustment for changes in the cost of fuel and purchased power pursuant to Schedule PCA.

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OHIO EXCISE TAX RIDER- SCHEDULE - OET

APPLICABLE:

In accordance with Section 5727 of the Ohio Revised Code an Excise Tax Surcharge shall be assessed on all monthly-consumed kWhs (kilowatt-hours) of electricity distributed through the meter of an end user in the State of Ohio, by the City of Piqua Municipal Power System. "The meter of an end user in this state means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state. If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours distributed to an un-metered location in this state".

CHARGE:

The Ohio excise tax is applicable to all electric consumption on and after May 1, 2001. The Rates to be charged are as follows subject to automatic adjustment based on any future amendment to the Ohio Revised Code.

For a consumption period of 30 days the Ohio excise tax is the sum of the following:

First 2,000 kWh consumed times \$0.00465 per kWh
Next 13,000 kWh consumed times \$0.00419 per kWh
Over 15,000 kWh consumed times \$0.00363 per kWh

For a consumption period other than 30 days the Ohio excise tax is the sum of the following:

First 67 kWh consumed times \$.00465 times number of days in the consumption period
Next 433 kWh consumed times \$.00419 times number of days in the consumption period
Over 500 kWh consumed times \$.00363 times number of days in the consumption period

Piqua Municipal Power System
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RATE STABILIZATION RIDER CREDIT SCHEDULE RSRC

APPLICABILITY:

~~The purpose of the Rate Stabilization Rider Credit is to refund amounts from the Electric Fund cash balance including previously collected revenues from the Rate Stabilization Rider Credit to the customer. The goal is to assist the customer by providing a means to transition into the increased power supply costs the Power System will incur in 2007. The Rate Stabilization Rider Credit is applicable to the following electric rate schedules.~~

~~Residential Service — Schedule R
General Power Service — Schedule GP
City-Owned Parks Facilities — Schedule CP~~

CREDIT:

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Rate Stabilization Rider Credit (\$/kWh):	\$(0.00836)	\$(0.00425)	\$(0.00000)

TERMS AND CONDITIONS:

~~The Rate Stabilization Rider Credit shall be applied to all billings after January 15, 2007 through all billings prior to January 15, 2009. The Rate Stabilization Rider credit is intended to refund to the customer no more than \$2.7 million dollars in 2007 and no more than \$1.4 million dollars in 2008 while maintaining an electric fund balance of no less than \$5 million dollars through December 31, 2009. In the event the actual refund exceeds these levels, or the electric fund balance is projected to drop below \$5 million dollars, the Power System Director shall determine new rates of refund as appropriate to achieve this intent and present such to the City Commission for approval.~~

Piqua Municipal Power System
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POWER COST ADJUSTMENT - SCHEDULE PCA

APPLICABLE:

The Power Cost Adjustment (PCA) is applicable to electric rate schedules as noted herein. The calculation of monthly bills pursuant to the rates and charges therein shall be subject to adjustment for changes in the cost of fuel and purchased power by applying a unit charge or credit to the total kilowatt-hours (~~Kk~~Wh) represented by the bill.

OVERVIEW:

This PCA calculation is intended to be based on forward looking projections of fuel, purchase power and other power supply related costs, including costs associated with the design, planning and development of potential power supply facilities or resources, as well as projections of kWh sales, for the period. The calculation is further intended to be performed at a minimum six month interval or more frequently, if required, to accomplish recovery of fuel related cost in a timely manner. The calculation also includes a provision to reconcile over or under collection of cost from previous periods based on actual cost versus projected cost for the period.

The PCA calculation shall be performed by the Power System Director in a manner consistent with this schedule and initially applied for a maximum seven-month period effective for billings after January 15, 20~~15~~07. Thereafter, the PCA calculation shall be effective for a maximum of six months. The Power System Director shall review the PCA calculation and shall make new projections for the subsequent six-month periods (i.e., August 15 and February 15 of each year). Following such PCA review and calculation, the Power System Director shall direct the PCA to be applied, as deemed necessary to accomplish recovery of the fuel, purchase power, and other power supply related costs as defined herein in a timely manner. The PCA shall be applied each month as hereinafter stated. The Power System Director shall recalculate and direct application of the PCA at intervals more frequent than six months if actual fuel and purchase power cost vary significantly from projections.

DEFINITION OF FUEL COST:

The cost in dollars and cents of all projected fuel used in the production of electric energy at the Piqua Municipal Power Plant during the applicable time period determined from the projected weighted average cost of such fuel applied to the projected quantity used. The projected weighted average cost of fuel as used shall be defined as the cost of fuel consumed in the Electric System's generating facilities priced at the Piqua Municipal Power System's cost including freight, demurrage, and taxes, of fuel on hand at the beginning of the applicable time period, plus projected cost of fuel received during the

applicable time period, divided by the total quantity of fuel on hand and projected to be received.

DEFINITION OF PURCHASED POWER COST:

The net cost in dollars and cents of all projected purchased power required to supplement the projected generating capacity and energy production of the Electric System during the applicable time period.

The net cost of purchased power shall be the projected total cost billed to the Piqua Municipal Power System for power and energy received from other suppliers, including service and dispatch fees and any power supply related charges billed to the Piqua Power System by its suppliers, less the projected total cost billed by the Piqua Municipal Power System for delivery of power and energy to other parties.

Power supply related charges shall include all costs associated with the design, planning and development of potential power supply facilities or resources.

DETERMINATION OF PCA UNIT CHARGE OR CREDIT:

This adjustment is applicable to and becomes a part of each electric service contract and rate schedule in which reference is made to Power Cost Adjustment, Schedule PCA.

When total fuel cost and purchased power cost increases above or decreases below \$0.~~07805~~~~440~~ per kilowatt-hour sold, the rate for electric service shall be increased or decreased in accordance with the following formula:

$$PCA = \frac{P + R}{S} - B$$

Where;

- PCA = Power Cost Adjustment factor, expressed in dollars per kWh rounded to the nearest five decimal places.
- P = Total projected fuel cost and projected purchased power cost during the applicable time period expressed as dollars (\$) as defined in this schedule.
- S = Projected sales (kWh) for the applicable time period for which the fuel cost and purchased power cost (P) is computed.
- R = Reconciliation of the actual cumulative over or under recovery of fuel cost and purchased power cost from preceding applicable time periods including over or under recovery of fuel cost and

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purchased power cost before January 15, 20~~15~~⁰⁷ expressed as dollars (\$).

B = Base power supply cost for the schedule of rates and charges provided by this Ordinance, B shall be \$0.0~~7805~~⁴⁴⁰ per kWh sold.

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CITY OWNED PARKS FACILITIES – SCHEDULE CP

APPLICABLE:

This schedule is applicable to electric service for all City owned park facilities.

CHARACTER OF SERVICE:

Single or three phase, 60 Hertz, alternating current will be supplied at standard voltages.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

Customer Charge: \$~~15.00~~~~26~~ per month

Energy Charge: \$0.0~~99696~~~~14~~ per ~~k~~~~W~~~~h~~ for all kilowatt hours

Minimum Charge: Customer Charge

POWER COST ADJUSTMENT:

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the cost of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

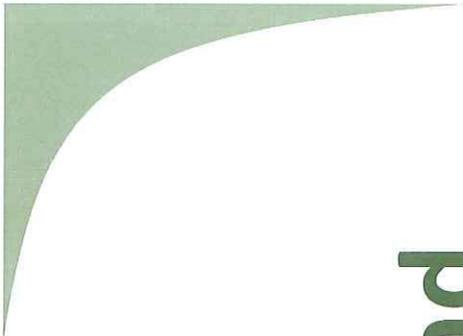
Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

TERMS AND CONDITIONS:

The first 75,000 ~~k~~~~W~~~~h~~ used by the City owned parks facilities each year shall be provided at no charge. All electric provided above 75,000 ~~k~~~~W~~~~h~~ annually will be billed under this rate schedule.

~~RATE STABILIZATION RIDER CREDIT:~~

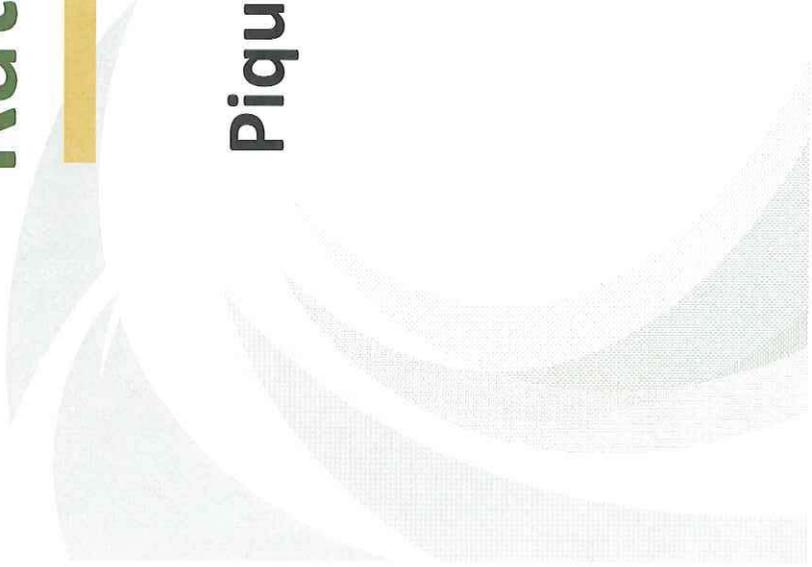
~~_____~~
~~_____ Bills computed in accordance with the foregoing rates are subject to the Rate Stabilization Rider Credit, Schedule RSRC.~~



Electric Cost of Service and Rate Design Summary

Piqua City Commission Meeting

November 18, 2014



Need for Cost of Service Study

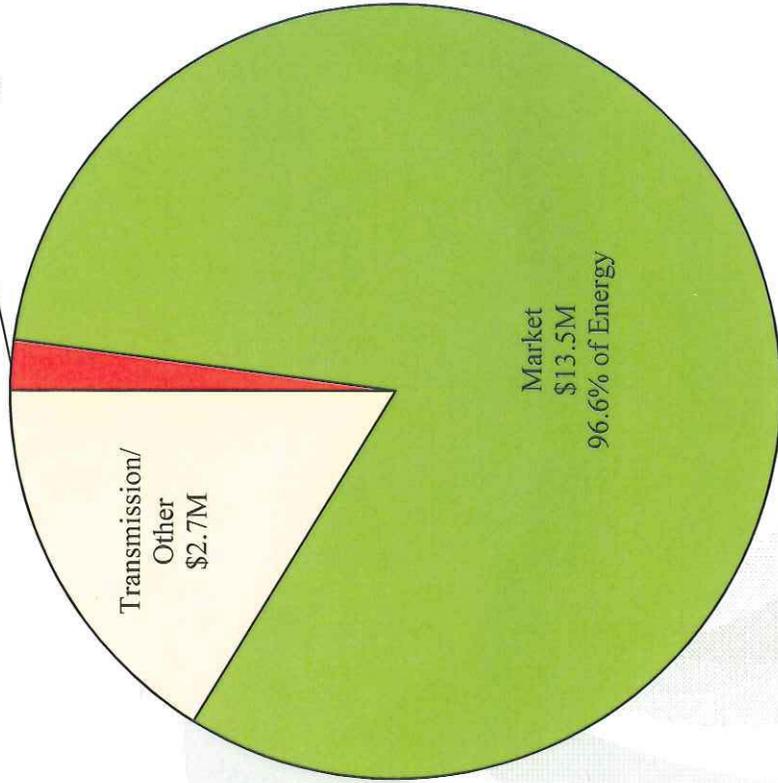
- Power Supply Costs Changing
- As Power Supply Costs Change, Rate Class Revenue Will Become Out of Line With Cost to Serve Each Rate Class
- A Proactive Approach to Rate Adjustments (~Every 5 Years) Helps to Prevent Large Adjustments to Rates
- AMP Credit Scoring Requires Cost of Service Study Every 5 Years and Timely Implementation of Study Recommendations
- Rates Last Modified 2009 (Began 2007)

Long-Term Power Supply Plan

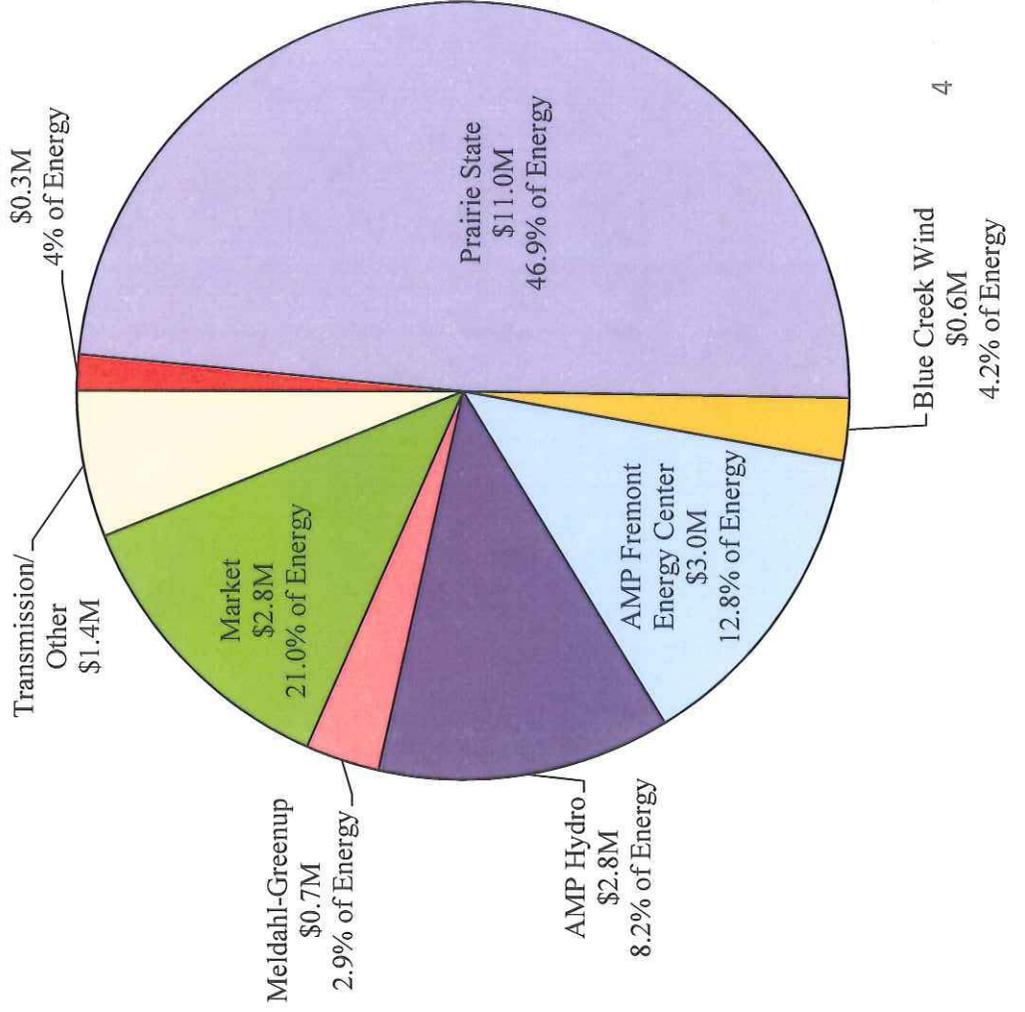
- Decrease Reliance on Energy Market
- Asset Ownership to Help Predict and Stabilize Costs
 - Prairie State Generating Campus (2012)
 - AMP Fremont Energy Center (2012)
 - AMP Hydroelectric Project (2015-16)
 - Meldahl-Greenup Hydroelectric Project (2015)
- Demand Costs Increasing, Energy Costs Decreasing

Resource Cost and Energy Mix

2011

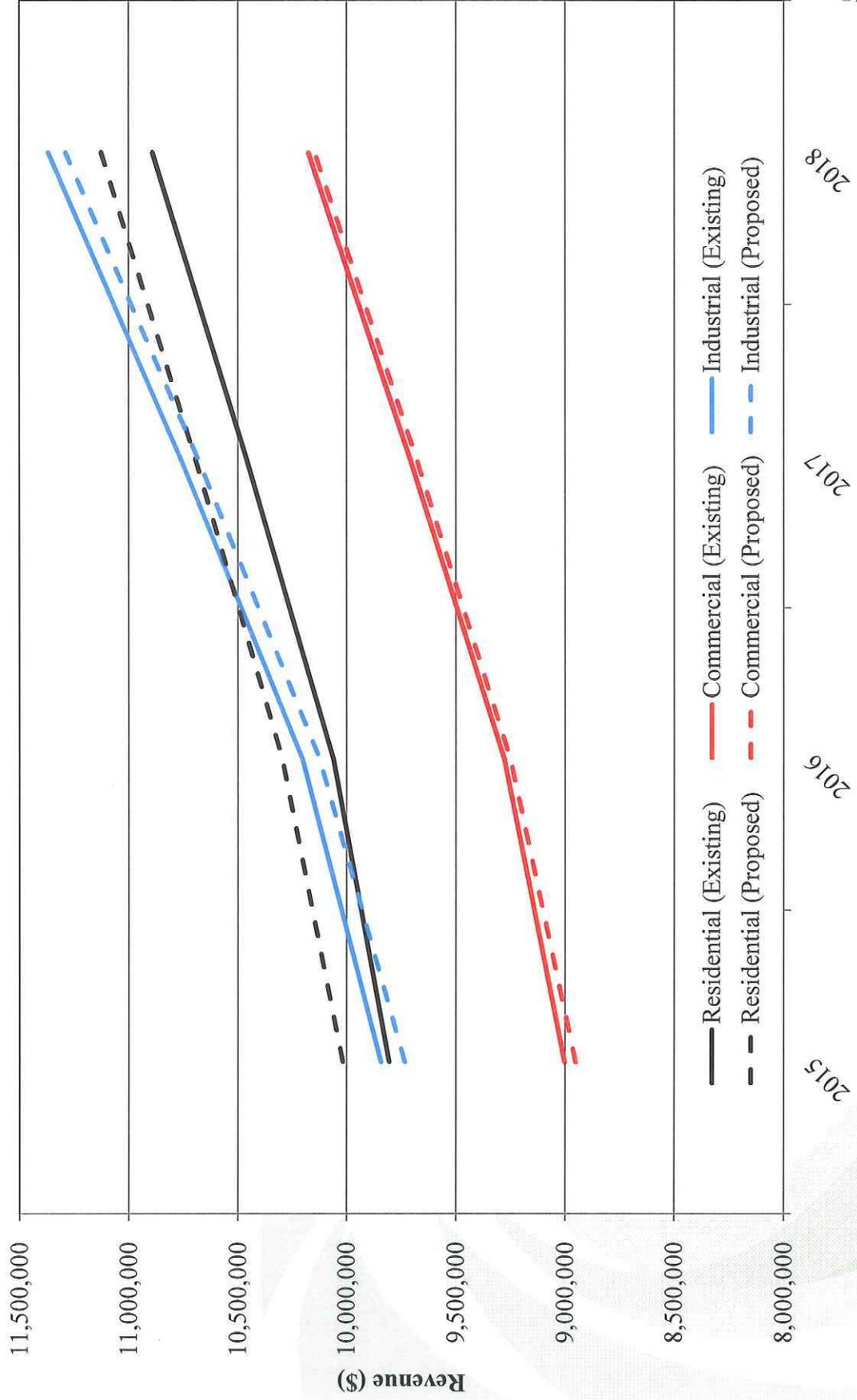


2016



Annual Rate Class Revenue Comparison

Existing Versus Proposed



Rate Design Guidelines

- Fairly and Equitably Allocate Costs to Each Customer Rate Class
- Include Power Supply Costs in Base Rates
- Provide Positive Operating Margin
- Meet Electric Fund Balance Guidelines
- Rate Stability

What is Cost of Service?

- Process of Assigning a Proportionate Share of the Costs of Owning, Operating, Maintaining and Upgrading the Utility to the Customers It Serves
- Costs Are Assigned Using the Following Methods:
 - Functionalization
 - Classification
 - Allocation

Assigning Costs to Customer Classes

- Functionalize
 - Production, Transmission, Distribution, Customer Related
- Classify
 - Demand, Energy, Customer, Direct
- Allocation
 - Energy Use, Coincident Demand, Non-Coincident Demand, Number of Customers

Existing and New Rates

Rate Class	Description	Existing ⁽²⁾	Proposed ⁽³⁾
Residential	Customer Charge (\$/Month)	5.60	15.00
	Energy Charge (\$/kWh) First 500 kWh	0.08706	0.09969
	All over 500 kWh	0.08116	0.09969
City Owned Parks Facilities⁽¹⁾	Customer Charge (\$/Month)	5.26	15.00
	Energy Charge (\$/kWh) All kWh	0.06140	0.09969
General Power - Commercial (<500 kW)	Customer Charge (\$/Month)	8.56	20.00
	Energy Charge (\$/kWh) First 600 kWh	0.08955	0.11110
	Next 4,400 kWh	0.03992	0.04800
	Next 20,000 kWh	0.02625	0.04800
	All over 25,000 kWh	0.02590	0.04800
	Demand Charge (\$/kW-Month) First 5 kW	0.00	0.00
	All over 5 kW	14.65	15.90

⁽¹⁾ First 75,000 kWh per year provided at no charge.

⁽²⁾ Does not include the Power Cost Adjustment. The PCA as of September 15, 2014 is \$0.01750/kWh.

⁽³⁾ Does not include the Power Cost Adjustment. The PCA as of January 15, 2015 is projected to be a credit of \$0.00731/kWh.

Existing and New Rates

Rate Class	Description	Existing ⁽¹⁾	Proposed ⁽²⁾
General Power - Industrial (>=500 kW)	Customer Charge (\$/Month)	8.56	65.00
	Energy Charge (\$/kWh) First 200,000 kWh	0.02762	0.04750
	Next 300,000 kWh	0.02651	0.04557
	All over 500,000 kWh	0.02582	0.04557
Private Outdoor Lighting	Demand Charge (\$/kW-Month) All kW	13.49	15.15
	100 Watt High Pressure Sodium	7.35	7.92
	250 Watt High Pressure Sodium	9.35	10.28
	400 Watt Metal Halide	12.30	17.26
	1000 Watt Metal Halide	16.00	20.95

⁽¹⁾ Does not include the Power Cost Adjustment. The PCA as of September 15, 2014 is \$0.01750/kWh.

⁽²⁾ Does not include the Power Cost Adjustment. The PCA as of January 15, 2015 is projected to be a credit of \$0.00731/kWh.

Typical Monthly Bill Comparisons (\$)

Rate Class	Usage	Piqua		
		Existing 2014	Proposed 2015	Inc./ (Dec.) (%)
Residential	750 kWh	86	88	2.0
Commercial (<500 kW)				
Customer 1	26 kW 4,000 kWh	594	573	(3.6)
Customer 2	88 kW 51,000 kWh	3,739	3,647	(2.5)
Customer 3	420 kW 112,000 kWh	11,472	11,630	1.4
Industrial (>500 kW)				
Customer 1	1,700 kW 765,000 kWh	59,435	58,260	(2.0)
Customer 2	1,840 kW 936,000 kWh	69,352	67,544	(2.6)
Customer 3	3,300 kW 900,000 kWh	87,357	88,155	0.9

Proposed Rates Summary

- Include Projected 2016 Power Supply Costs
- Transition from Market to Asset Ownership
- Designed to Allocate Costs More Closely to Cost of Service
- Effective With Bills On or After January 15, 2015

ORDINANCE NO. 17-14
AN AMENDED ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2015

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring:

SEC. 1: That there be appropriated from the GENERAL FUND (001)

<u>ACCOUNT</u>	<u>2015 BUDGET</u>
<u>City Building</u>	
Operation and Maintenance	\$132,272
Allocated Expenses	(\$7,067)
TOTAL	\$125,205
<u>City Commission</u>	
Personal Services/Administrative Support	\$35,218
Operation and Maintenance	\$54,886
TOTAL	\$90,104
<u>City Manager</u>	
Personal Services/Administrative Support	\$237,278
Operation and Maintenance	\$33,273
Allocated Expenses	(\$198,043)
TOTAL	\$72,508
<u>Civil Service</u>	
Operation and Maintenance	\$12,085
TOTAL	\$12,085
<u>Engineering</u>	
Personal Services/Administrative Support	\$368,374
Operation and Maintenance	\$36,948
Allocated Expenses	(\$348,740)
Capital	\$23,000
TOTAL	\$79,582
<u>Finance</u>	
Personal Services/Administrative Support	\$560,513
Operation and Maintenance	\$29,858
Allocated Expenses	(\$408,891)
TOTAL	\$181,480
<u>Health</u>	
Personal Services/Administrative Support	\$244,461
Operation and Maintenance	\$113,920
TOTAL	\$358,381
<u>Law</u>	
Personal Services/Administrative Support	\$229,425
Operation and Maintenance	\$21,406
Allocated Expenses	(\$149,486)
TOTAL	\$101,345
<u>Income Tax</u>	
Personal Services/Administrative Support	\$185,558
Operation and Maintenance	\$251,083
TOTAL	\$436,641
<u>Planning & Zoning</u>	
Personal Services/Administrative Support	\$193,007
Operation and Maintenance	\$171,495
Non Government/Transfers/Refunds	\$100
TOTAL	\$364,602
<u>General Government</u>	
Operation and Maintenance	\$311,093
Capital Outlay (including labor)	\$69,600
Non Government/Transfers/Refunds	\$100
TOTAL	\$380,793
<u>Human Resources</u>	
Personal Services/Administrative Support	\$186,668
Operation and Maintenance	\$21,285
Allocated Expenses	(\$183,223)
TOTAL	\$24,730
<u>Purchasing</u>	
Personal Services/Administrative Support	\$84,304
Operation and Maintenance	\$4,932
Allocated Expenses	(\$87,373)
TOTAL	\$1,863

Transfers

Transfer to NIT Fund 104	\$187,145
Transfer to Parks Fund 105	\$200,000
Transfer to Safety Fund 106	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$6,210
Transfer to Pro Piqua Fund 128	\$74,000
Transfer to Golf 409	\$350,000
Transfer to Ft. Piqua Plaza 410	\$175,000
Transfer to Swimming Pool Fund 415	\$130,000

TOTAL \$4,672,355

TOTAL GENERAL FUND \$6,901,674

SEC. 2: That there be appropriated from the STREET DEPARTMENT FUND (101)

Personal Services/Administrative Support	\$1,012,316
Operation and Maintenance	\$2,409,937
Capital Outlay (including labor)	\$331,500

TOTAL \$3,753,753

SEC. 3: That there be appropriated from the STREET INCOME TAX FUND (103)

Operation and Maintenance	\$1,219,545
Capital Outlay (including labor)	\$4,336,417
Non Government/Transfers/Refunds	\$173,754
Allocated Expenses	(\$60,000)

TOTAL \$5,669,716

SEC. 4: That there be appropriated from the NEIGHBORHOOD IMPROVEMENT PROGRAM FUND (104)

Personal Services/Administrative Support	\$10,995
Operation and Maintenance	\$176,150

TOTAL \$187,145

SEC. 5: That there be appropriated from the PARK AND RECREATION FUND (105)

Personal Services/Administrative Support	\$278,189
Operation and Maintenance	\$190,581
Capital Outlay (including labor)	\$135,754
Non Government/Transfers/Refunds	\$200

TOTAL \$604,724

SEC. 6: That there be appropriated from the PUBLIC SAFETY FUND (106)

009 Fire Department

Personal Services/Administrative Support	\$3,642,937
Operation and Maintenance	\$511,682
Capital Outlay (including labor)	\$60,000
Non Government/Transfers/Refunds	\$47,562

TOTAL \$4,262,181

014 Police Department

Personal Services/Administrative Support	\$4,211,047
Operation and Maintenance	\$620,269
Capital Outlay (including labor)	\$149,686

TOTAL \$4,981,002

TOTAL PUBLIC SAFETY \$9,243,183

SEC. 7: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)

Operation & Maintenance	\$5,372
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TOTAL \$5,372

SEC. 8: That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)

Operation & Maintenance	\$6,210
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TOTAL \$6,210

SEC. 9: That there be appropriated from the MANDATORY DRUG FINE FUND (111)

Operation and Maintenance	\$4,349
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TOTAL \$4,349

SEC. 10:	That there be appropriated from the RENEW PIQUA FUND (114)	
	Operation and Maintenance	<u>\$12,814</u>
TOTAL		\$12,814
SEC. 11:	That there be appropriated from the CHIP 2012 FUND (117)	
	Operation and Maintenance	<u>\$200,000</u>
TOTAL		\$200,000
SEC. 12:	That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)	
	Personal Service/Administrative Support	\$960
	Operation and Maintenance	<u>\$45,262</u>
TOTAL		\$46,222
SEC. 13:	That there be appropriated from the POLICE AUXILIARY FUND (120)	
	Operation & Maintenance	<u>\$2,625</u>
TOTAL		\$2,625
SEC. 14:	That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)	
	Operation and Maintenance	<u>\$75,000</u>
TOTAL		\$75,000
SEC. 15:	That there be appropriated from the WORKER'S COMP FUND (124)	
	Personal Services/Administrative Support	<u>\$270,000</u>
TOTAL		\$270,000
SEC. 16:	That there be appropriated from the INSURANCE RESERVE FUND (125)	
	Operation & Maintenance	<u>\$400,000</u>
TOTAL		\$400,000
SEC. 17:	That there be appropriated from the DEMOLITION DEFENSE FUND (126)	
	Non Government/Transfers/Refunds	<u>\$59,396</u>
TOTAL		\$59,396
SEC. 18:	That there be appropriated from the PRO PIQUA FUND (128)	
	Operation and Maintenance	<u>\$74,000</u>
TOTAL		\$74,000
SEC. 19:	That there be appropriated from the REVOLVING LOAN FUND (130)	
	Operation and Maintenance	<u>\$45,670</u>
TOTAL		\$45,670
SEC. 20:	That there be appropriated from the BROWNFIELD EPA GRANT (131)	
	Operation and Maintenance	<u>\$467,796</u>
TOTAL		\$467,796
SEC. 21:	That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)	
	Personal Services/Administrative Support	\$231,520
	Operation and Maintenance	\$82,619
	Allocated Expenses	<u>(\$314,139)</u>
TOTAL		\$0
SEC. 22:	That there be appropriated from the FEMA FUND (139)	
	Personal Services/Administrative Support	<u>\$20,000</u>
TOTAL		\$20,000
SEC. 23:	That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)	
	Personal Services/Administrative Support	\$350
	Operation and Maintenance	<u>\$38,000</u>
TOTAL		\$38,350

SEC. 24:	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)	
	Operation and Maintenance	<u>\$4,355</u>
TOTAL		\$4,355
SEC. 25:	That there be appropriated from the SIB 25A NOTE '08 FUND (216)	
	Non Government/Transfers/Refunds	<u>\$173,755</u>
TOTAL		\$173,755
SEC. 26:	That there be appropriated from the SWIMMING POOL DEBT SERVICE FUND (221)	
	Non Government/Transfers/Refunds	<u>\$8,430</u>
TOTAL		\$8,430
SEC. 27:	That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)	
	Non Government/Transfers/Refunds	<u>\$167,190</u>
TOTAL		\$167,190
SEC. 28:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND (250)	
	Non Government/Transfers/Refunds	<u>\$66,411</u>
TOTAL		\$66,411
SEC. 29:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND 2006 (251)	
	Non Government/Transfers/Refunds	<u>\$7,176</u>
TOTAL		\$7,176
SEC. 30:	That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)	
	Non Government/Transfers/Refunds	<u>\$303,392</u>
TOTAL		\$303,392
SEC. 31:	That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)	
	Non/Government/Transfers/Refunds	<u>\$47,563</u>
TOTAL		\$47,563
SEC. 32:	That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)	
	Non/Government/Transfers/Refunds	<u>\$25,130,100</u>
TOTAL		\$25,130,100
SEC. 33:	That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)	
	Non/Government/Transfers/Refunds	<u>\$393,400</u>
TOTAL		\$393,400
SEC. 34:	That there be appropriated from the WATER DEBT SERVICE FUND (258)	
	Non/Government/Transfers/Refunds	<u>\$1,881,365</u>
TOTAL		\$1,881,365

SEC. 35: That there be appropriated from the POWER SYSTEM FUND (401)

Personal Services/Administrative Support	\$2,230,861
Operation and Maintenance	\$26,895,909
Capital Outlay (including labor)	\$1,847,183
Overhead Transfers	(\$180,000)

TOTAL \$30,793,953

SEC. 36: That there be appropriated from the WATER SYSTEM FUND (403)

Personal Services/Administrative Support	\$2,106,459
Operation and Maintenance	\$2,083,728
Capital Outlay (including labor)	\$26,031,035
Non Government/Transfers/Refunds	\$73,586

TOTAL \$30,294,808

SEC. 37: That there be appropriated from the WASTEWATER SYSTEM FUND (404)

Personal Services/Administrative Support	\$1,273,193
Operation and Maintenance	\$1,338,178
Capital Outlay (including labor)	\$1,183,828
Non Government/Transfers/Refunds	\$303,392

TOTAL \$4,098,591

SEC. 38: That there be appropriated from the GARBAGE AND REFUSE FUND (405)

Personal Services/Administrative Support	\$531,444
Operation and Maintenance	\$1,488,619
Capital Outlay (including labor)	\$130,000

TOTAL \$2,150,063

SEC. 39: That there be appropriated from the CITY INCOME TAX
ADMINISTRATION FUND (407)

Non Government/Transfers/Refunds	\$8,750,000
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TOTAL \$8,750,000

SEC. 40: That there be appropriated from the INFORMATION TECHNOLOGY
FUND (408)

Personal Services/Administrative Support	\$356,968
Operation and Maintenance	\$276,644
Capital Outlay (including labor)	\$64,000

TOTAL \$697,612

SEC. 41: That there be appropriated from the GOLF COURSE FUND (409)

Personal Services/Administrative Support	\$180,564
Operation and Maintenance	\$378,260
Capital Outlay (including labor)	\$90,000
Non Government/Transfers/Refunds	\$167,676

TOTAL \$816,500

SEC. 42: That there be appropriated from the FORT PIQUA PLAZA FUND (410)

Operation & Maintenance	\$308,957
Non Government/Transfers/Refunds	\$1,500

TOTAL \$310,457

SEC. 43: That there be appropriated from the STORMWATER UTILITY FUND (411)

Personal Services/Administrative Support	\$447,889
Operation and Maintenance	\$483,459
Capital Outlay (including labor)	\$1,181,000

TOTAL \$2,112,348

SEC. 44: That there be appropriated from the METER READERS FUND (412)

Personal Services/Administrative Support	\$207,465
Operation and Maintenance	\$39,904
Allocated Expenses	(\$247,369)

TOTAL \$0

SEC. 45: That there be appropriated from the UTILITIES BUSINESS OFFICE
FUND (413)

Personal Services/Administrative Support	\$567,022
Operation and Maintenance	\$425,520
Non Government/Transfers/Refunds	\$5,000
Allocated Expenses	(\$997,542)

TOTAL \$0

SEC. 46: That there be appropriated from the SWIMMING POOL FUND (415)

Personal Services/Administrative Support	\$89,067
Operation and Maintenance	\$83,260
Non Government/Transfers/Refunds	\$8,430
TOTAL	\$180,757

SEC. 47: That there be appropriated from the UNCLAIMED TRUST (606)

Non Government/Transfers/Refunds	\$2,000
TOTAL	\$2,000

SEC. 48: That there be appropriated from the LAW ENFORCEMENT TRUST (609)

Non Government/Transfers/Refunds	\$8,200
TOTAL	\$8,200

SEC. 49: That there be appropriated from the CONSERVANCY FUND (611)

Operation and Maintenance	\$53,700
TOTAL	\$53,700

SEC. 50: That there be appropriated from the CITY HEALTH INSURANCE FUND (614)

Operation and Maintenance	\$20,000
Capital Outlay (including labor)	\$100,000
TOTAL	\$120,000

SEC. 51: That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)

Administrative Support	\$175,000
TOTAL	\$175,000

SEC. 52: That there be appropriated from the WEED CUTTING FUND (735)

Operation and Maintenance	\$32,000
Allocated Expenses	(\$30,100)
TOTAL	\$1,900

SEC. 53: That the sum appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2015. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 54: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 55: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2015 when passed and legally contracted for in conformity by law.

SEC. 56: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2015; except those that are to be reimbursed by federal, state or other grant programs that were previously approved by this Commission.

SEC. 57: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

1st Reading - 11/18/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 18, 2014 December 2, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015.		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager, Finance Director Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	We are required to present and pass the 2015 Annual Budget by the end of the year. This is the first of three readings of this ordinance with the Commission reviewing the Department Budgets on November 13 and November 20, 2014.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Appropriations \$:	\$136,837,025 including transfers	
	Source of Funds:	Various	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Ordinance No. 17-14 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2015	
	2.	Approve Ordinance No. 17-14 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2015 with changes being made to the amounts requested.	
PROJECT TIMELINE			
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 17-14 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2015 after the standard three readings.		
ATTACHMENTS			

ORDINANCE NO. 18-14

**AN ORDINANCE REPEALING SCHEDULE A OF
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING
A NEW SCHEDULE A OF CHAPTER 33 OF THE PIQUA
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL
EMPLOYEES**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: Schedule A of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 3-14, is hereby repealed; and

SEC. 2: Schedule A of Chapter 33 of the Piqua Code (appended hereto as Exhibit "D") is hereby adopted;

SEC. 3: This Ordinance shall take effect and be in force from and after January 1, 2015.

1st Reading – 11/1/8/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	NOVEMBER 18, 2014 DECEMBER 2, 2014		
REPORT TITLE (Should match resolution/ordinance title)	Ordinance No. 18-14 repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees		
SUBMITTED BY	Name & Title: Elaine G. Barton, Human Resources Director		
	Department: Human Resources		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>During the past year, the City of Piqua has undertaken a pay classification study. This type study had not been completed in several years. The study considered only those positions that were listed on Schedule A. Twenty-nine surveys were sent from Springsted, the company that the City contracted with to complete the study, and twenty surveys were returned from comparable cities. Springsted compiled the results and sent the survey to the City. The City Manager, Finance Director, and myself met on a monthly basis to review positions and pay ranges to ensure that not only external comparability had been taken into consideration but also internal comparability. The pay ranges have been renumbered from 21 to 70 to 4 to 21 to better reflect that comparability. The steps have been numbered 1 through 6 to match the Springbrook payroll system.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Included in the 2015 budget appropriation	
	Expenditure \$:		
	Source of Funds:	Various	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 18-14	
	2.	Reject Ordinance No. 18-14 and provide staff with further direction	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2015		
STAFF RECOMMENDATION	Adopt Ordinance No. 18-14 to allow the pay classification study to be implemented.		
ATTACHMENTS	Ordinance No. 18-14 Schedule A		

Class Code	EFFECTIVE January 1, 2015 CLASSIFICATION/TITLE	PAY RANGE	SCHEDULE A				Exhibit D	
			STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
	Non-exempt positions: (hourly rate)							
105	Custodian	4	17.02693	17.87828	18.77219	19.71080	20.69634	21.73116
108	Administrative Assistant	6	19.13146	20.08803	21.09244	22.14706	23.25441	24.41713
109	Human Resources Assistant	6	19.13146	20.08803	21.09244	22.14706	23.25441	24.41713
110	Executive Assistant	8	21.49611	22.57092	23.69947	24.88444	26.12866	27.43509
112	Administrative Specialist	7	20.27935	21.29332	22.35799	23.47588	24.64968	25.88216
113	Contract & Administrative Specialist	7	20.27935	21.29332	22.35799	23.47588	24.64968	25.88216
	Exempt positions: (weekly salary)							
149	Financial Analyst	9	911.44	957.01	1004.86	1055.10	1107.86	1163.25
150	Acct. & Income Tax Mgr.	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
153	Utility Billing Office Manager	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
154	Asst Dir of Finance & Inc Tax Admin	16	1370.46	1438.98	1510.93	1586.48	1665.80	1749.09
155	Dir of Finance & Inc Tax Admin	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
158	Purchasing Analyst I	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
160	Law Director	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
165	Human Resources Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
167	Public Relations Coordinator	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
170	Community Development Manager	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
171	Development Program Manager	14	1219.71	1280.69	1344.73	1411.96	1482.56	1556.69
206	Project Manager	12	1085.53	1139.81	1196.80	1256.64	1319.47	1385.45
207	Engineering Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
208	City Planner	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
209	Public Works Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
305	IT Administrator	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
307	Director of Information Tech.	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
402	Recreation Coordinator	10	966.12	1014.43	1065.15	1118.41	1174.33	1233.04
403	Golf Professional *	8	859.84	902.84	947.98	995.38	1045.15	1097.40
501	Health & Sanitation Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
504	Sanitarian II	12	1085.53	1139.81	1196.80	1256.64	1319.47	1385.45
507	Sanitarian	10	966.12	1014.43	1065.15	1118.41	1174.33	1233.04
510	Code Enforcement Officer	10	966.12	1014.43	1065.15	1118.41	1174.33	1233.04
610	Police Chief	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
660	Fire Chief	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
705	Assistant Public Works Director	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
810	Asst. Underground Utilities Supt.	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
815	Asst. Water System Superintendent	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
820	Water System Superintendent	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
830	Storm Water Coordinator	12	1085.53	1139.81	1196.80	1256.64	1319.47	1385.45
842	Asst. Wastewater Systems Supt.	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
845	Wastewater System Superintendent	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
846	Underground Utilities Superintendent	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
848	Utilities Director	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
874	Power Plant Assistant Manager	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
880	SCADA Administrator	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
881	Associate Engineer	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
890	Power Distribution Manager	16	1370.46	1438.98	1510.93	1586.48	1665.80	1749.09
892	Electrical Engineer	17	1452.69	1525.32	1601.59	1681.67	1765.75	1854.04
893	Asst. Power System Director	18	1539.85	1616.84	1697.69	1782.57	1871.70	1965.28
894	Power System Director	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
896	Asst. City Manager/Development	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
897	Asst. City Manager/Administration	21	1833.99	1925.69	2021.97	2123.07	2229.22	2340.68

* Plus 50% of net margin on all sales of golf accessories & mdse.

ORDINANCE NO. 19-14

**AN ORDINANCE REPEALING SCHEDULE A-1 OF
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING
A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL
EMPLOYEES**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio,
the majority of all members elected thereto concurring, that:

SEC. 1: Schedule A-1 of Chapter 33 of the Piqua Code, as adopted by Ordinance
No. 4-14, is hereby repealed; and

SEC. 2: Schedule A-1 of Chapter 33 of the Piqua Code (appended hereto as
Exhibit "E") is hereby adopted;

SEC. 3: This Ordinance shall take effect and be in force from and after
January 1, 2015.

1st Reading 11-18-14

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 18, 2014 December 2, 2014		
REPORT TITLE (Should match resolution/ordinance title)	ORDINANCE NO. 19-14 AN ORDINANCE REPEALING SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE AND ADOPTING A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL EMPLOYEES.		
SUBMITTED BY	Name & Title: Elaine G. Barton		
	Department: Human Resources		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	The State of Ohio has increased minimum wage effective January 1, 2015 from \$7.95 per hour to \$8.10 per hour. The wages on Schedule A-1 have been changed to reflect this increase. This is the only change made to Schedule A-1.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Appropriated in the 2015 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 19-14	
	2.	Reject Ordinance No. 19-14 and be out of compliance with State Law	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2015		
STAFF RECOMMENDATION	Staff recommends the passage of Ordinance No. 19-14. The pay rates for positions currently at minimum wage must be increased to the new minimum wage rate as set by the State of Ohio.		
ATTACHMENTS	Schedule A-1; 2015 Minimum Wage Poster		

CLASSIFICATION/ TITLE	HOURLY RATE	
CLERK TYPIST (CO-OP STUDENT)	\$8.10	
CITY CLERK*	\$8.10	
CLERK TYPIST A	\$8.10	
CLERK TYPIST B	\$8.10	
RECORDS & DATA ENTRY CLERK	\$8.10	
ACCOUNT CLERK*	\$10.14	
SECRETARY I*	\$10.44	
SECRETARY II*	\$12.06	
ADMINISTRATIVE SECRETARY*	\$15.83	
ENGINEERING CO-OP I (STUDENT)	\$9.67	
ENGINEERING CO-OP II (STUDENT)	\$10.54	
ENGINEERING CO-OP III (STUDENT)	\$11.35	
ENGINEERING CO-OP IV (STUDENT)	\$12.21	
PLANNING TECHNICIAN	\$16.81	
INTERNS	\$8.10 to \$12.61	
PARKING CONTROL OFFICER	\$8.10	
ANIMAL CONTROL OFFICER	\$8.10	
POWER DISTRIBUTION STOREKEEPER	\$15.76	
SCADA ADMINISTRATOR (POWER)	\$25.00	
PLUMBING INSPECTOR	\$19.48	
CONSTRUCTION INSPECTOR	\$19.48	
PUBLIC HEALTH NURSE	\$19.48	
STREET SWEEPER	\$10.20	
LABORER A	\$8.10	
LABORER B	\$8.43	
LABORER C	\$9.36	
CUSTODIAN	\$8.10	
REFUSE COLLECTOR	\$8.10	
MAINTENANCE WORKER	\$8.10	
STREET DEPT. MAINTENANCE SUPV.	\$10.11	
SEASONAL GOLF COURSE MAINT. LABORER A	\$8.10	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER B	\$8.43	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER C	\$9.36	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER A	\$8.10	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER B	\$8.10	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER C	\$8.10	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	\$8.10	plus free golf**
CART/RANGE ATTENDANT	\$8.10	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	\$8.10	plus free golf**
LIFEGUARD A	\$8.10	
LIFEGUARD B	\$8.10	
LIFEGUARD C	\$8.10	
TICKET WINDOW ATTENDANT A	\$8.10	
TICKET WINDOW ATTENDANT B	\$8.10	
HEAD TICKET WINDOW ATTEND. A	\$8.10	
HEAD TICKET WINDOW ATTEND. B	\$8.10	
RECREATION LEADER	\$8.10	
RECREATION ASSISTANT	\$8.10	
SPORTS INSTRUCTOR	8.80 to 17.61	
DANCE/FITNESS INSTRUCTOR	8.80 to 17.61	
POOL MANAGER	\$534.94	WEEKLY RATE
ASSISTANT POOL MANAGER A	\$9.24	
ASSISTANT POOL MANAGER B	\$9.68	
HEAD LIFE GUARD A	\$8.10	
HEAD LIFE GUARD B	\$8.42	
ASSISTANT LAW DIRECTOR	\$839.87	WEEKLY RATE

*These are confidential employees and are not in any bargaining unit.

**hours worked greater than 20 hours per week include a cart if available



STATE OF OHIO

2015 MINIMUM WAGE

OHIO DEPARTMENT OF COMMERCE
DIVISION OF INDUSTRIAL COMPLIANCE

JOHN R. KASICH
Governor

ANDRE T. PORTER
Director

www.com.ohio.gov

NON-TIPPED EMPLOYEES

A Minimum Wage of

\$8.10 per hour

Non-Tipped Employees includes any employee who does not engage in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips.

Employers who gross under \$297,000.00 shall pay their employees no less than the current federal minimum wage rate.

Employees under the age of 16 shall be paid no less than the current federal minimum wage rate.

Current Federal Minimum Wage is \$7.25 per hour.

TIPPED EMPLOYEES

A Minimum Wage of

\$4.05 per hour PLUS TIPS

Tipped Employees includes any employee who engages in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips. Employers electing to use the tip credit provision must be able to show that tipped employees receive at least the minimum wage when direct or cash wages and the tip credit amount are combined.

OVERTIME

- 1. An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours in excess of forty hours in one work week, except for employers grossing less than \$150,000 per year.

HANDICAPPED RATE

To prevent the curtailment of opportunities for employment and avoid undue hardship to individuals whose earning capacity is affected or impaired by physical or mental deficiencies or injuries, a sub-minimum wage may be paid, as provided in the rules and regulations set forth by the Director of the Ohio Department of Commerce.

RECORDS TO BE KEPT BY THE EMPLOYER

- 1. Each employer shall keep records for at least three years, available for copying and inspection by the Director of the Ohio Department of Commerce, showing the following information concerning each employee:
A. Name
B. Address
C. Occupation
D. Rate of Pay
E. Amount paid each pay period
F. Hours worked each day and each work week

INDIVIDUALS EXEMPT FROM MINIMUM WAGE

- 1. Any individual employed by the United States;
2. Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;
3. Any individual employed as an outside salesman compensated by commissions or in a bona fide executive, administrative, or professional capacity, or computer professionals;
4. Any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate government agency, if
(i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
(ii) such services are not the same type of services which the individual is employed to perform for such public agency;
5. Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;
6. Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a non-profit organization or group of organizations.
7. Employees of a solely family owned and operated business who are family members of an owner.

For further information about minimum wage issues, please contact: The Ohio Department of Commerce, Division of Industrial Compliance, 6606 Tussing Road, Reynoldsburg, Ohio 43068. Phone: (614) 644-2239. TTY/TDD: 1-800-750-0750.

POST IN A CONSPICUOUS PLACE



An Equal Opportunity Employer and Service Provider

(REV. 09/30/14)

ORDINANCE NO. 20-14

**AN ORDINANCE REPEALING EXISTING CHAPTER 33
AND ENACTING A NEW CHAPTER 33 OF THE PIQUA CODE,
RELATING TO EMPLOYEE POLICY**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SECTION 1: Existing Chapter 33 of the Piqua Code is hereby repealed;

SECTION 2: Chapter 33 of the Piqua Code (appended hereto as Attachment "A") is hereby enacted;

SECTION 3: This Ordinance shall take effect and be in force from and after January 1, 2015.

1st Reading – 11-18-14

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	NOVEMBER 18, 2014 DECEMBER 2, 2014		
REPORT TITLE (Should match resolution/ordinance title)	ORDINANCE NO. 20-14 AN ORDINANCE REPEALING EXISTING CHAPTER 33 AND ENACTING A NEW CHAPTER 33 OF THE PIQUA CODE, RELATING TO EMPLOYEE POLICY		
SUBMITTED BY	Name & Title: Elaine Barton, Human Resources Director		
	Department: Human Resources		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Group insurance appropriated in the 2015 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 20-14	
	2.	Reject Ordinance No. 20-14 and provide staff with an alternative	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2015		
STAFF RECOMMENDATION	Staff recommends the changes to Chapter 33 revising the date of the health insurance coverage to reflect the current benefit year as well as the reduction to the City's contribution to the employee's health savings or health reimbursement account, and increasing the amount that an employee can earn by participating in certain wellness activities. This is the same language as agreed to in the union contracts.		
ATTACHMENTS	Chapter 33		

CHAPTER 33: EMPLOYMENT POLICY

Section

33.01	Classifications and compensation	33.10	Pay equalization of all employees
33.02	Employment conditions	33.11	Job posting
33.03	Holidays and Personal Days	33.12	Weekly pay
33.04	Vacations	33.13	Jury duty
33.05	Sick leave	33.14	Personnel regulations
33.06	Leave of absence	33.15	Police and fire supervisors
33.07	Funeral leave	33.16	Applicability
33.08	Insurance	33.17	Wage schedules adopted
33.09	Compensable injury pay		

§ 33.01 CLASSIFICATIONS AND COMPENSATION.

The classifications and compensation of city employees shall be as set forth in the schedules attached and incorporated herein by reference.

(‘97 Code, § 31.01) (Ord. 13-01, passed 8-6-01)

§ 33.02 EMPLOYMENT CONDITIONS.

The following provisions shall apply to all Schedule A and A-1 employees except those covered under §33.15 of this chapter:

(A) *Merit increases and performance ratings.*

(1) Each of the pay ranges in Schedule A shall be divided into six steps, A through F. The minimum time in grade for each step before the employee is eligible for a merit increase is as follows.

- A - one year
- B - one year
- C - one year
- D - one year
- E - one year
- F - Top Step

(2) Each employee's performance will be rated by the employee's supervisor before the anniversary date the employee is eligible, by time in classification, for consideration for a merit increase. An employee must receive a performance rating of satisfactory or better to receive a merit increase. An employee denied a merit increase due to a less than satisfactory rating may request a reevaluation after 90 days from the denial of the merit increase.

(3) Performance ratings will also be considered as a factor in advancing probationary employees to regular status and for promoting or transferring employees into new classifications.

(4) Employees at the top step of their pay range will have their performance rated by their supervisor annually. An employee who receives two consecutive ratings of less than satisfactory may be demoted or discharged. Performance ratings, when completed, will be discussed with the employee. The employee is required to sign the performance rating as evidence of the fact that it has been reviewed. A copy will be given to the employee.

(B) *Overtime pay.* Non-exempt employees shall receive one and one-half their regular rate for all hours worked over 40 per week.

(1) The city may in its discretion grant compensatory time to non-exempt employees in place of cash overtime compensation, at the rate of one and one-half hours compensatory time for each hour of overtime worked, provided that the employee agrees in writing, before the performance of the overtime work, to compensatory time in place of cash overtime, and provided further that all FLSA compensatory time requirements are satisfied. No non-exempt employee may accumulate more than 240 hours of compensatory time.

(2) Exempt employees are exempt from overtime payment. However, such employees may receive compensatory time on an hour for hour basis for hours worked in excess of 45 hours per week, upon the approval of the supervisor, department head or City Manager. No exempt employee may accumulate more than 240 hours of compensatory time. Any compensatory time not used before separation from employment shall be forfeited.

(C) *Call-in pay.* Non-exempt employees required to report to work at a time outside the employee's normal work day will receive a minimum of two hours pay at one and one-half the employee's regular rate of pay. If the call-in requires more than two hours of work, then the employee will be paid for the hours actually worked at one and one-half the employee's regular rate of pay.

('97 Code, § 31.02)

(D) *Probationary employees.*

(1) New, rehired or promoted full-time employees will serve a one-year probationary period of close supervision and evaluation in order to assess their ability and adaptation. Probationary employment may be terminated at the will and discretion of the city without advance notice.

(2) The city may extend an employee's probationary period for a specified additional period when the city determines that an extension is necessary to thoroughly evaluate the employee's ability to perform the full scope of assigned duties in an effective and safe manner. In these cases, the employee will be advised in writing of the extended duration of the probationary period before the conclusion of the initial probationary period.

(E) *At-will employment.*

(1) Completion of a probationary period or conferral of regular employee status shall not change an employee's status as an employee-at-will, or in any way restrict the city's right to terminate such employee or change the terms and conditions of employment. Nothing contained in this or other city policies or other material provided to employees in connection with their employment shall require the city to have just cause to terminate that employee, or otherwise restrict the city's right to terminate an employee at any time for any lawful reason.

(2) An employee's at-will status shall not be modified by any statements made by any person or by any writing available to employees or applicants in connection with their employment. No document, whether singly or combined, shall create an express or implied contract concerning any terms or conditions of employment.

(Ord. 55-97, passed 10-20-97; Am. Ord. 57-91, passed 11-4-91; Am. Ord. 18-95, passed 5-15-95; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Ord. 21-09 passed 12-21-09)

§ 33.03 HOLIDAYS AND PERSONAL DAYS.

The following provisions shall apply to all Schedule A employees except those covered under §33.15 of this chapter.

(A) The following days are recognized as holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, the day before Christmas and Christmas Day.

(B) If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. If a holiday falls on a Sunday, the following Monday will be observed as a holiday. For employees who work other than a normal schedule, their first day off shall be their Saturday and their second day off shall be their Sunday.

(C) In order for an employee to receive pay for the holiday, the employee must work the employee's scheduled shift before and after the holiday. Employees on vacation, approved sick leave, or a leave of absence with pay (including paid funeral leave) shall be considered as working their regular scheduled day for purposes of this section.

(D) Eligible employees who are not scheduled to work on a designated holiday shall be paid holiday pay in an amount equal to eight hours work at their regular rate of pay. Eligible employees who work on a designated holiday shall be paid their holiday pay, plus one and one-half their regular rate of pay for all hours actually worked.

(E) Employees shall be credited with five personal leave days effective on January 1 of each year. Employees with less than one year's service with the city on

January 1 shall receive a pro-rated amount of personal leave. Personal leave days may be taken only on a day mutually agreeable to the employee and the employee's supervisor. Personal leave days not taken by the following December 31 will be forfeited.

('97 Code, § 31.03) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 43-00, passed 12-18-00; Am. Ord. 13-01, passed 8-6-01; Am Ord. 1-14, passed 1-21-14)

§ 33.04 VACATIONS.

The following provisions shall apply to all Schedule A employees except those covered under §33.15 of this chapter.

(A) For the purposes of this section, "service" shall mean service by a full-time employee of the city or any other political subdivision of the state.

(B) (1) Each regular full-time employee will receive two weeks vacation with full pay per one full year of service with the city, three weeks annual vacation with full pay after eight years of continuous service, four weeks annual vacation with full pay after 15 years of continuous service, and five weeks annual vacation with full pay after 25 years of continuous service. Employees hired after January 1, 2010 will receive two weeks vacation with full pay per one full year of service with the city, and three weeks annual vacation with full pay after eight years of continuous service and beyond. Vacation credit will be granted on a monthly basis as follows:

(a) An employee entitled to two weeks shall be credited with 6.667 hours for each full month worked.

(b) An employee entitled to three weeks shall be credited with 10 hours for each full month worked.

(c) An employee entitled to four weeks shall be credited with 13.334 hours for each full month worked.

(d) An employee entitled to five weeks shall be credited with 16.3334 hours for each full month worked.

(2) Vacations must be scheduled with the employee's supervisor. The vacation period for each employee will begin on the first anniversary date of employment. In the case of retirement, resignation, dismissal, disability or death, an employee will be paid for all accumulated vacation credits.

(C) (1) Vacation credits must be used during the anniversary year that immediately follows the anniversary year during which the vacation credits were earned. Credits not used within that time will be forfeited. The City Manager may, in special and meritorious cases, permit an employee to accumulate and carry over vacation leave for an additional time period as determined by the City Manager in his sole discretion. Vacation taken in any one continuous period shall not exceed six weeks.

(2) An employee may convert up to three weeks per calendar year to cash on an hour-for-hour basis if the employee notifies the city at least two weeks before the employee wishes the payment but no later than November 15th. An employee hired after January 1, 2010 will not be permitted to convert vacation to cash.

('97 Code, § 31.04) (Am. Ord. 53-87, passed 10-5-87; Am. Ord. 57-91, passed 11-4-91; Am. Ord. 35-94, passed 7-18-94; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 21-09, passed 12-21-09; Am. Ord. 1-14, passed 1-21-14)

§ 33.05 SICK LEAVE.

The following provisions shall apply to all Schedule A and A-1 employees except those covered under §33.15 of this chapter.

(A) For the purposes of this section, "accumulated sick leave" may include up to 120 days of sick leave accumulated by a city employee during prior service with another political subdivision of the state.

(B) Regular full-time employees shall earn and accumulate sick leave credits on the basis of one and one-quarter days for each completed month of service. Regular part-time employees shall earn and accumulate sick leave credits on a pro rata basis. Credit shall be accumulated by an employee on extended sick leave only if there is an intention to and a reasonable expectation of a return to work. Subject to the limitations set forth below, unused sick leave shall be cumulative beyond the year in which it was earned.

(C) In addition to absences covered by the federal Family Medical Leave Act, sick leave may be used for absences due to injury, exposure to a contagious disease and illness in the employee's immediate family. *IMMEDIATE FAMILY* means spouse, parent (natural, step or in-law), children or other relative living in the employee's household. Sick leave will not be granted while an employee is on vacation unless proof of illness or injury is submitted.

(D) An employee with six or more years of service with the city may convert up to a maximum of five days in excess of 60 days accumulated sick leave for the purposes of vacation in any year. This conversion will be on the basis of one day of vacation for each one day of sick leave, without regard to when the sick leave was accumulated or credited. The employee may, at his or her option, have the same sick days converted instead into cash on the same one-for-one conversion basis by request prior to November 15th. An employee hired after January 1, 2010 will not be permitted to convert sick leave to vacation.

(E) For employees hired prior to January 1, 2001, accumulated sick leave up to 120 days will be payable upon permanent layoff or termination of employment other than retirement and death benefits (except discharge for theft or felony) on the following formula:

(1) Less than 8 years service: no conversion.

(2) 8 years to 15 years of service: eight (8) hours pay for each three days of accumulated sick leave.

(3) 16 years to 25 years service: eight (8) hours pay for each two days of accumulated sick leave.

(4) Over 25 years of service: eight (8) hours pay for each day of accumulated sick leave.

(F) For employees hired before January 1, 2001, conversion of unused sick leave credited to employees who receive retirement or death benefits shall be on the basis of one day for each one day accumulated up to a maximum of 1440 hours.

(G) For employees hired after December 31, 2000, accumulated sick leave up to 480 hours will be payable upon permanent layoff or termination of employment other than retirement and death benefits (except discharge for theft or felony) on the following formula:

(1) Less than 8 years service: no conversion.

(2) 8 years to 15 years of service: eight (8) hours pay for each three days of accumulated sick leave.

(3) 16 years to 25 years service: eight (8) hours pay for each two days of accumulated sick leave.

(4) Over 25 years of service: eight (8) hours pay for each day of accumulated sick leave.

(H) For employees hired after December 31, 2000, conversion of unused sick leave credited to employees who receive retirement or death benefits shall be on the basis of one day for each one day accumulated up to a maximum of 720 hours.

(I) For employees hired after January 1, 2010, conversion of unused sick leave credited to employees who receive retirement or death benefits (only) shall be on the basis of one day for each one day accumulated up to a maximum of 480 hours.

('97 Code, § 31.05) (Ord. 53-87, passed 10-5-87; Am. Ord. 57-91, passed 11-4-91; Am. Ord. 35-94, passed 7-18-94; Am. Ord. 33-00, passed 10-2-00; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 21-09, passed 12-21-09)

§ 33.06 LEAVE OF ABSENCE.

The following provisions shall apply to all Schedule A employees except those covered under §33.15 of this chapter.

(A) Temporary leaves of absence with or without pay, for training purposes or for any other objective related to the employee's work, may be granted and renewed by the City Manager for such periods as the City Manager may consider justifiable within the limitations of the budget.

(B) Leaves of absence without pay may be granted by the City Manager, for periods of time not to exceed one year, for any other reason that the City Manager may consider to be to the benefit of the city, including, but not limited to, leaves of absence by reason of military duties, and by reason of illness or disability not caused by or induced by the actual performance of official duties, in cases where the employee has exhausted accumulated sick leave benefits. Employees returning from military service will be placed in their former classification or one of equal pay range. Seniority will accrue when the employee is on active duty; however, vacation and sick leave do not accumulate for periods beyond six months.

(C) Any leave of absence so granted may be extended or renewed for additional periods of time not to exceed one year for each extension.

(D) If deemed necessary, the City Manager may require any employee who requests or is granted a leave of absence to submit to a medical examination, by an examiner selected by the city, to determine the medical need for the leave or the ability of the employee to perform the essential functions of the employee's position upon the termination of a leave of absence. A copy of the medical report will be furnished to the employee upon request by the employee.

('97 Code, § 31.06) (Ord. 13-01, passed 8-6-01)

§ 33.07 FUNERAL LEAVE.

The following provisions shall apply to all Schedule A and A-1 employees except those covered under §33.15 of this chapter.

(A) A regular full-time employee shall be paid for eight hours at the employee's regular rate of pay due to absence caused by death in an employee's immediate family. A maximum of three days shall be allowed under this section. **IMMEDIATE FAMILY** means spouse, parent (natural, step or in-law), child, grandparent, grandchild, brother or sister (natural, step, or in-law). Other relatives living in the same household as the employee shall be considered as immediate family. One day

may be granted for attendance at a funeral of the following relatives: aunt, uncle, niece, or nephew .

(B) A regular part-time employee will be granted one day to attend the funeral of an immediate family member.

(C) Proof of death and of relationship of the deceased to the employee may be required before payment of funeral leave.

(‘97 Code, § 31.08) (Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 21-09, passed 12-21-09)

§ 33.08 INSURANCE.

The following provisions shall apply to all Schedule A employees except those covered under [§33.15](#) of this chapter.

The city will provide health insurance benefits including dependent coverage. The benefits will include a high deductible health plan (HDHP) and, at the employee’s option, either a health savings account (HSA) or a health reimbursement account (HRA). The HDHP will have “network” deductibles of \$2,000 for individual coverage and \$4,000 for family coverage.

(B) Employee HSA accounts will be funded by the City in the amount of ~~\$1,500~~ **\$1,000** for individual coverage and ~~\$3,000~~ **\$2,000** for family coverage for the 2014 ~~5~~ plan year, by funding 1/12th of the annual total to be deposited the 1st of each month. Employee HRA accounts will be funded by the City in the amount of ~~\$1,500~~ **\$1,000** for individual coverage and ~~\$3,000~~ **\$2,000** for family coverage for the 2014 ~~5~~ plan year, by funding the entire amount each year in January.

An employee may be reimbursed up to a maximum of ~~\$400~~ **\$1,000** if on a family plan and ~~\$200~~ **\$500** for a single plan each calendar year. The employee and not the family member must participate in the activities below to be eligible for the reimbursement.

Such reimbursement shall be based on participation in self-selected programs identified by the health insurance carrier as a wellness initiative.

Upon completion of an eligible program, the employee shall submit the required form and information to the Human Resources Director who will submit the request for reimbursement. All reimbursement checks will go to the employee’s HSA (or HRA) account and not directly to the employee.

Eligible Activity	Amount Reimbursed	Special Conditions
Biometric Screening Event	\$200 <u>400</u>	Eligible for reimbursement once each calendar year.
Health Risk Assessment	\$50 <u>100</u>	Eligible for reimbursement once each calendar year.
Wellness Coaching	\$50 <u>100</u>	Wellness Coaching is as indicated by the Health Risk Assessment. Eligible for reimbursement once each calendar year.
Registering on health insurance website	\$50 <u>100</u>	Eligible for reimbursement once each calendar year.
Flu Shot	\$50 <u>100</u>	Must be received at the City. Eligible for reimbursement once each calendar year.
Exercise	\$50 <u>100</u>	90 minutes of physical activity per week for each 8 week period completed. Forms must be completed and turned in to Human Resources. The forms are available at HR
BP of less than 130/80 Cholesterol of less than 200 mg BMI of less than 25	\$100 <u>200</u>	To qualify for reimbursement, the employee must meet two of the three categories.
Prescription Medications	\$100	Employee must switch from brand medication to generic. Must begin only in January and continue for the calendar year. Eligible for each prescription changed.
Prescription Medications	\$50	Employee must switch from brand medication to generic. Must be for a consecutive six month period. Eligible for each prescription changed.
Annual Basic Physical	\$50 <u>100</u>	Eligible for reimbursement once each calendar year.

Cessation Program	\$100	Employee must complete a program as approved by the HR department and successfully have stopped smoking for a consecutive 6 month period. Employee will be subject to random testing to verify continued success. Eligible for reimbursement only one time during employee's tenure.
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(C) The City shall select the carrier for the HDHP annually after consulting with the Insurance Committee. The City will make every effort to maintain comparable coverage.

(D) Cost Sharing. For the 2014 5 plan year, an employee will contribute 15% of the City's total cost of purchasing the employee's HDHP and funding the employee's HSA or HRA, by bi-weekly payroll deduction.

(E) Option Out. Eligible employees who decline the city offered health insurance benefits, will be entitled to receive a one-time payment per health insurance year (2014 5) of \$2,000 for those eligible for family coverage and \$1,000 for individual coverage.

(F) The city shall provide and pay the necessary premium for group life insurance in an amount equal to two times (not to exceed \$180,000) base salary (as of January 1st) for the following classifications: City Manager, Assistant City Manager, Finance Director, City Engineer, Utilities Director, Public Works Director, Power System Director, Human Resources Director, Health and Sanitation Director, Information Technology Director, Law Director, Economic Development Director, Police Chief and Fire Chief, \$75,000 for exempt Manager/Supervisor positions, and \$50,000 for all other employees.

('97 Code, § 31.09) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 9-04, passed 5-20-04; Am. Ord. 29-08, passed 12-15-08; Am. Ord. 21-09, passed 12-21-09; Am. Ord. 2-11, passed 4-5-11; Am. Ord. 15-11, passed 12-20-11; Am. Ord. 5-12, passed 2-21-12; Am Ord. 27-12, passed 12-18-12; Am. Ord. 1-14, passed 1-21-14)

§ 33.09 COMPENSABLE INJURY PAY.

The following provisions shall apply to all Schedule A employees except those covered under §33.15 of this chapter.

(A) *Definitions.*

COMPENSABLE INJURY. An injury to a city employee which occurs during the course of his or her employment and while the employee is performing assigned tasks, and which requires the employee to be absent from work, or which renders him or her unable to perform his or her normal duties, and which is determined to be compensable under workers' compensation regulations.

INJURY PAY. The pay provided under this section.

SICK LEAVE. Shall be the same as provided in §33.05.

WORKERS' COMPENSATION REGULATIONS. The statutes of the state concerning workers' compensation, and the rules and regulations of the Bureau of Workers' Compensation and of the Industrial Commission of Ohio presently or hereafter in force.

(B) If an employee suffers a compensable injury during the course of employment with the city and while performing an assigned task, the city will pay the difference between the employee's normal weekly wage and the weekly amount of compensation paid by the state Industrial Commission, for a period of time from one week after the date of injury up to six months after that date. The city may, at its discretion, elect to pay the injured employee the employee's full weekly rate of pay, to take the place of the employee's receipt of temporary total disability payments.

(C) Accrued sick leave may be used for the first week of a compensable injury.

(D) The city may provide and require an employee to perform other duties, within the limitations of the injury, in place of injury pay.

('97 Code, § 31.10) (Ord. 13-01, passed 8-6-01)

§ 33.10 PAY EQUALIZATION OF ALL EMPLOYEES.

(A) All employees of the city who are not otherwise subject to Chapter 36 of this code shall have deducted from their salaries, wages, commission or other personal service compensation the applicable percentage of income tax as provided in Chapter 36, which sum shall be deposited in the income tax fund.

(B) The administrator of Chapter 36 of this code is authorized and directed, subject to the approval of the Board of Review, to adopt, promulgate, and enforce rules, regulations and agreements to the end that a nonresident employee of the city shall be obligated to pay the equivalent of only one municipal income tax.

('97 Code, § 31.11) (Ord. 13-01, passed 8-6-01)

§ 33.11 JOB POSTING.

Except as otherwise provided for those positions listed in Schedules B, C, D and E, job vacancies shall be posted for a minimum of three working days. When an examination is to be given, reasonable notice of the time and place of the examination shall be given.

('97 Code, § 31.12) (Ord. 13-01, passed 8-6-01)

§ 33.12 BI-WEEKLY PAY.

The Director of Finance is authorized and directed to pay on a bi-weekly basis all full-time employees and part-time employees every other Friday for wages and salaries earned for the previous bi-week ending at midnight on the Sunday before pay day.

('97 Code, § 31.13) (Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 1-14, passed 1-21-14)

§ 33.13 JURY DUTY.

Schedule A employees, except those covered under §33.15 of this chapter, required to serve on a jury before a court empowered by law to require that service shall be excused from duty for the time required for that service, and shall be paid the difference between jury pay and regular hourly rate of pay. Employees must present proof of the amount of jury pay received before pay for the hours absent is granted, and must report for duty whenever released from jury service.

('97 Code, § 31.14) (Ord. 13-01, passed 8-6-01)

§ 33.14 PERSONNEL REGULATIONS.

(A) The City Manager is authorized and directed to formulate, establish and promulgate such personnel regulations and procedures as the City Manager deems appropriate in the exercise of sound discretion to control the detailed terms and conditions of employment of employees in the classified and unclassified services of the city.

(B) The policies and procedures established pursuant to division (A) shall not be inconsistent with the terms and conditions of employment of those employees established by the Charter and ordinances of the city or other applicable law.

('97 Code, § 31.15) (Ord. 13-01, passed 8-6-01)

§ 33.15 POLICE AND FIRE SUPERVISORS.

(A) The Chief of Police, is a supervisory and management employee covered by Schedule A. Deputy Police Chiefs and the Chief of Police shall not be paid overtime except as approved in a memorandum of understanding or collective bargaining agreement.

(B) The Fire Chief is a supervisory and management employee covered by Schedule A, Assistant Fire Chiefs and the Fire Chief shall not be paid overtime except as approved in a memorandum of understanding or collective bargaining agreement.

(C) Due to the unique operations of the Police and Fire Departments, the Chief of Police and Fire Chief, with the prior approval of the City Manager, are authorized and directed to formulate and adopt such personnel regulations and procedures as each Chief deems appropriate in the exercise of sound discretion to control the detailed term's and conditions of employment of employees in the Police and Fire Departments. The policies and procedures adopted pursuant to this section shall not be inconsistent with the terms and conditions of employment of such employees established by the Charter, the ordinances of the city, applicable collective bargaining agreements and other applicable law.

('97 Code, § 31.16) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04, Am. Ord. 6-09, passed 6-15-09, Am. Ord. 1-14, passed 1-21-14)

§ 33.16 APPLICABILITY.

The provisions of this chapter shall be applicable to all employees of the city except as otherwise specified herein or in any collective bargaining contract authorized by the city.

('97 Code, § 31.17) (Ord. 34-86, passed 7-21-86; Am. Ord. 20-97, passed 2-17-97; Am. Ord. 21-97, passed 3-3-97; Am. Ord. 22-97, passed 3-3-97; Am. Ord. 13-01, passed 8-6-01)

§ 33.17 WAGE SCHEDULES ADOPTED.

(A) The wages schedules listed in division (B) of this section are hereby adopted by reference and shall be treated as if set forth in full herein. Such wage schedules shall be maintained in the office of the City Manager. The City Commission may amend any schedule by adoption of an appropriate ordinance or resolution. Such ordinances or resolutions and schedules shall not be codified herein, but the City Manager, or his or her designee, shall cause the appropriate change to be made to the

applicable schedule so that each schedule shall remain current. Current copies of all wage schedules shall be available for public inspection.

(B) The wage schedules of the city include the following:

Schedule A: All full-time management employees and any other full-time employees not specifically covered by any other schedule

Schedule A-1: All part-time, temporary, and seasonal employees

Schedule B: All full-time employees represented by AFSCME Local No. 984 (Blue Collar)

Schedule C: All full-time firefighters/paramedics, Fire Captains, Assistant Fire Chiefs,

Schedule D: All full-time sworn Police Officers represented by the Fraternal Order of Police, Ohio Labor Council, Inc.

Schedule E: All full-time employees represented by AFSCME Local No. 984 (Clerical -Technical)

Schedule F: All full-time civilian employees represented by the Fraternal Order of Police, Ohio Labor Council, Inc.

Schedule G: All full-time sworn Deputy Police Chiefs and Lieutenants represented by Ohio Patrolmen's Benevolent Association

('97 Code, Appendix: Standard Pay Range) (Ord. 21-96, passed 4-15-96; Am. Ord. 39-96, passed 8-19-96; Am. Ord. 47-96, passed 10-7-96; Am. Ord. 21-97, passed 3-3-97; Am. Ord. 22-97, passed 3-3-97; Am. Ord. 62-97, passed 12-1-97; Am. Ord. 2-98, passed 1-5-98; Am. Ord. 598, passed 2-2-98; Am. Ord. 11-98, passed 3-2-98; Am. Ord. 6-99, passed 2-15-99; Am. Ord. 1499, passed 4-19-99; Am. Ord. 26-99, passed 8-16-99; Am. Ord. 32-99, passed 10-4-99; Am. Ord. 6-00, passed 1-17-00; Am. Ord. 9-00, passed 2-7-00; Am. Ord. 15-00, passed 4-17-00; Am. Ord. 17-00, passed 5-1-00; Am. Ord. 29-00, passed 8-7-00; Am. Ord. 36-00, passed 11-20-00; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 26-02, passed 10-21-02; Am. Ord. 4-03, passed 2-18-03; Am. Ord. 12-03, passed 6-2-03; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 1-14, passed 1-21-14)

§ 33.18 BENEFITS OF THE CITY MANAGER

The City Manager shall be an at-will employee entitled to the benefits that are separately negotiated by contract and approved by the City Commission. Compensation for the City Manager shall be specifically provided for by contract and/or ordinance and shall not be part of Schedule A. Any benefit not expressly covered for by contract or separately established by ordinance or resolution, shall be provided for under this chapter for the City Manager.

RESOLUTION NO. R-125-14

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF CECELIA STOLER
AS A CITY EMPLOYEE**

WHEREAS, Cecelia Stoler has retired as Health Department Secretary with the Health & Sanitation Department; and

WHEREAS, her retirement follows 30 years of faithful and dedicated service to the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, all members elected thereto concurring, that:

SEC. 1: In recognition and appreciation of the public service of Cecelia Stoler as Health Department Secretary with the Health & Sanitation Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-126-14

A RESOLUTION AUTHORIZING A PURCHASE ORDER TO MIAMI VALLEY RISK MANAGEMENT ASSOCIATION FOR PURCHASE OF INSURANCE

WHEREAS, on January 22, 2002, the Commission passed Resolution No. R-16-02 awarding a contract to Miami Valley Risk Management Association, Inc. for the purpose of entering into a risk management pool for property and liability insurance; and

WHEREAS, it is a desire of the City of Piqua to continue participation in the risk management pool in calendar year 2015 through the Miami Valley Risk Management Association.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SECTION 1. A purchase order is hereby authorized not to exceed \$348,236 to Miami Valley Risk Management Association for property and liability insurance for the calendar year 2015.

SECTION 2. The Finance Director is authorized to draw her warrant on the appropriate account in an amount not to exceed \$348,236 for said services.

SECTION 3. The Finance Director certifies that said funds are available.

SECTION 3. This Resolution shall take effect and be in force from the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

RESOLUTION NO. R-127-14

A RESOLUTION REQUESTING AUTHORIZATION TO INCREASE THE PURCHASE ORDER TO CDM SMITH FOR ADDITIONAL DESIGN SERVICES INCURRED DURING THE DESIGN PHASE OF THE NEW WATER TREATMENT PLANT

WHEREAS, on November 20, 2012, this Commission passed Resolution No. R-145-12, authorizing CDM Smith a contract to engineer and design a new Water Treatment Plant; and

WHEREAS, during the course of design, several additional items were included that were not part of the original scope of work; and

WHEREAS, Conformed Documents are needed to incorporate changes that were made to the design of the plant during the bid process.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that

SEC. 1: Resolution R-145-12, a Resolution authorizing a purchase order to CDM Smith, be increased by \$293,923 to a final amount of \$2,493,923 is hereby approved.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury in payment according to this Resolution.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 2, 2014		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution requesting authorization to increase the purchase order to CDM Smith for Additional Design Services incurred during the design phase of the New Water Treatment Plant.		
SUBMITTED BY	Name & Title: Don Freisthler, Water Plant Superintendent		
	Department: Water		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>On November 20, 2012, the City of Piqua entered into an agreement with CDM Smith for the engineering design of the new Water Treatment Plant.</p> <p>During the course of the design of the Project, several additional items were included as part of the Project that were not included in the original scope of services for the Project.</p> <p>One of those items was to have CDM Smith design the relocation of the two existing transmission lines from underneath the bridge on SR 66 to being buried in the ground. This work will be included in the offsite pipeline project. Additionally, the City had CDM Smith evaluate the feasibility of connecting the new plant site into the sanitary sewer system. However, it was determined that the most cost effective solution was to design an on-site septic system. In an effort to be cost conscience a value engineering study was done early on that lead to the redesigning of the Chemical and Filter/ Administration building. Also, Changing the recarbonation system resulted in an approximate \$600,000 savings in the overall project. As a part of the annexation process, the City had to include the design of a cul-de-sac on Hardin Alternate Rd. for the two residences on the North end of this road.</p> <p>Throughout the bid process for the plant, items were needed to be amended through addendums in the plans and project manuals for the new plant. Because of these numerous changes, Conformed Documents are needed. The Conformed Documents will incorporate all changes that were made to the plans and specifications during the bidding process and combine them into one set of construction drawings and specifications. These Documents will be used for the construction phase of the project.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding)	Budgeted \$:	\$293,923	
	Expenditure \$:	\$293,923	

sources)	Source of Funds:	403 000 175 1750
	Narrative	The items listed in Amendment 1 have either furnished a substantial cost savings or rectified an unforeseen issue that arose upon embarking on a project of this magnitude.
OPTIONS (Include Deny /Approval Option)	1.	Approve the Resolution to increase the purchase order to CDM Smith for services above the scope of the original agreement.
	2.	Do not approve the Resolution and do not pay CDM Smith for the services.
PROJECT TIMELINE	Payment will be made upon signing of this Resolution.	
STAFF RECOMMENDATION	Approval of the Resolution to pay CDM Smith for their services.	
ATTACHMENTS	Amendment #1 to Agreement between City of Piqua and CDM Smith Resolution R-145-12	

RESOLUTION NO. R-145-12

A RESOLUTION ACQUIRING THE SERVICES OF CDM SMITH TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR WATER TREATMENT PLANT DETAILED DESIGN AND BIDDING PHASE, ENGINEERING SERVICES

WHEREAS, the Water System has purchased property on State Route 66 to build a new Surface Water Treatment Plant.

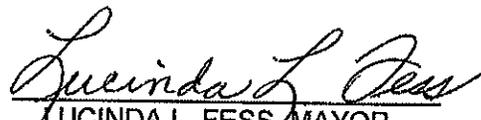
WHEREAS, qualifications were received on October 4, 2012 from three firms to provide design and bidding phase, engineering services associated with the construction of a new Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract for said design and bidding phase, engineering services is hereby awarded to CDM/Smith as the best, responsible proposer and the City Manager is hereby authorized to execute a contract with said proposer pursuant to contract specifications.

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury according to contract terms, not to exceed \$2,200,000.00.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.


LUCINDA L. FESS, MAYOR

PASSED: November 20, 2012

ATTEST: Rebecca J. Cool
REBECCA J. COOL
CLERK OF COMMISSION