

West Lafayette Village Council Meeting Agenda

Meeting Date: March 13, 2017

Call to order: Mayor Stephen R. Bordenkircher

Pledge of Allegiance

Prayer

Roll Call

Motion to excuse absent members

A motion to approve the Minutes of the February 27, 2017 Regular Meeting

Correspondence:

Citizen comments:

Department Reports:

Fire:

Fiscal Officer:

Police:

Solicitor:

Village Administrator:

Committee reports:

Building and Property

Community & Business Development

Community Relations

Finance

Fire Dependency Board

Ordinance

Park Board

Planning Commission

Public Safety

Public Works

Records Retention

Rules

2017-08 AN ORDINANCE ESTABLISHING THE BENEFIT SCHEDULE FOR THE VILLAGE OF WEST LAFAYETTE AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH. First Reading/ Emergency

2017-09 AN ORDINANCE ESTABLISHING 2017 PAY SCHEDULE FOR THE VILLAGE OF WEST LAFAYETTE AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH. First Reading/ Emergency

2017-10 AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2017 EDITION OF THE OHIO BASIC CODE, PUBLISHED BY THE AMERICAN LEGAL PUBLISHING CORPORATION, FOR THE VILLAGE OF WEST LAFAYETTE, OHIO; REPEALING ORDINANCES IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING THE SAME TO BE AN EMERGENCY. First Reading

West Lafayette Village Council Meeting Agenda

2017-11 AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE AN AGREEMENT FOR PARTICIPATION WITH THE REGIONAL INCOME TAX AGENCY (RITA) FOR SERVICES RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE VILLAGE OF WEST LAFAYETTE INCOME TAX ORDINANCE AND DECLARING IT AN EMERGENCY.

First Reading/ Emergency

Other Business:

Schedule Committee Meetings:

Present bills for approval:

Motion to Adjourn:

Record of Proceedings

Minutes of West Lafayette Village Council Regular Meeting

- West Lafayette Village Council met in regular session on February 27, 2017 at 7:00 p.m. in the municipal building with Mayor Stephen R. Bordenkircher presiding.

Pledge of Allegiance

Prayer

Roll Call: Craig Bordenkircher, Ron Lusk, Christie Maurer, Rich Wheeler, Tim Cheney and Bo Fortune were present.

- Village Solicitor Bill Owens and Fiscal Officer Sara Warne were also in attendance.
- A motion was made by Ron Lusk and seconded by Tim Cheney to approve the minutes of the February 13, 2017 regular council meeting. Roll Call 6 yes.

Mayor's Correspondence:

A copy of the letter from Jeff Wherley, Program Manager of Coshocton County Recycling & Litter Prevention was given to council. The letter speaks to what recycling has meant in our community. In 2016, they processed 118,180 pounds of recyclables. The village is the largest small community recycler in the county. An invitation to a coordinated response exercise was received pertaining to gas lines. It will be given to the village administrator. The mayor received a lengthy newsletter via email regarding the fiscal year 2018-19 budget overviews. A copy was given to the fiscal officer for anyone's review. It also covers several other topics.

Citizens' comments:

None

Department Reports:

Fire: Councilman Ron Lusk inquired whether everyone had seen the new truck noting the department is willing to take them on a ride.

Fiscal Officer: Fiscal Officer Sara Warne noted that she has been comparing gas rates with IGS, Integrity and Energy Professionals due to the village having a variable rate from month to month. The fiscal officer asked if council was interested in locking in the village's gas rates. IGS and Energy Professionals are offering the best rate. IGS is willing to lock the village in during the winter months but the village would fall back on a variable rate during the summer months. With natural gas being the number one fuel generating electricity the village could run the risk of spikes in the gas rate even though usage is low during the summer. Energy Professionals is willing to lock the village into a lower rate up to 36 months, but maybe 18 months as a starting point to review the cost savings. Councilman Lusk inquired on the current provider and cost. The fiscal officer noted the Fire Department is through Direct Energy Service and the other departments are through Customer Choice. The IGS rate of .44 and Energy Professionals rate of .439 (for eighteen months) was given as an example of cost.

Record of Proceedings

When asked the fiscal officer noted the Direct Energy and Customer Choice decision was implemented prior to her tenure. Last month Direct Energy Service was at a rate of .536 and Customer Choice was at a rate of .4988. This month Direct Energy Service was at a rate of .482 and Customer Choice was at a rate of .4449. The rates fluctuate depending on the market. The difference between residential and business was noted as well as if you do not lock in you go to the open market on a day-to-day basis. The fiscal officer has been checking on the rates for over two weeks and they are currently at their lowest. The NYMEX dropped. The terms offered by IGS and Energy Professionals were noted. When asked the fiscal officer stated that she felt locking in with Energy Professionals for eighteen months, (including the summer months) was the best option in her opinion. With the Clean Air Act, last year they saw a pretty big spike during the summer months when typically it drops.

- A motion was made by Craig Bordenkircher and seconded by Bo Fortune to lock in the village's gas rate with Energy Professionals for a term of eighteen months. Roll Call 6 yes.

Police: No one was in attendance to report.

Solicitor: Village Solicitor Bill Owens noted that he did not have anything to report but would like to have a short executive session this evening to discuss the current pending litigation-just to give a report. The mayor noted the need for two executive sessions this evening. One deals with personnel and one deals with ongoing litigation.

Village Administrator: Mayor Stephen Bordenkircher reported on behalf of the village administrator. They are working to finalize the setup with Mobile 311. There will be another conference with them Thursday afternoon. They have set up the log ins. Everyone sitting around the table will have login capabilities. A number of additional personnel as well as the Police Department will also have access. The next stage deals with tracking parts and materials. Once that is set up, the training will be completed. It is estimated to be ready to kick off sometime in March. The mayor has been speaking with the village administrator and had a meeting with Mayor of Newcomerstown Pat Cadle. They talked about a number of issues. Newcomerstown has recently enacted a Utility Easement Program that GGC Engineering has developed. The Village of West Lafayette talked about it last year. Newcomerstown believes that they will see a significant return on their investment next year. There is another village of around 1,800 near Reynoldsburg that has also set it up. The village administrator and mayor are going to explore the option. They are not ready to present it to council yet. They are going to set up a meeting to learn more. It was discussed at the mayor's conference last year. Engineering Firm GGC is the only firm doing it at this time. They seem to have a very good reputation. The village administrator requested that the mayor touch base with Newcomerstown on their asphalt grindings. Newcomerstown currently has an abundance of asphalt grindings. They will sell the grindings for the mayor believes \$20 a scoop with their front-end loader. Newcomerstown is using the grindings to patch potholes. They are using a tamper when they put the grindings in the potholes and they say it is working very well until they can get hot mix. The village may have to buy a

Record of Proceedings

tamper if it saves otherwise. The village administrator will have find out the size of the scoop. The village administrator was hoping to find some more grindings and that is the only place that has them available right now. It is a short-term fix. The village may get some this summer but is not doing a lot of paving this year. The mayor would like the village to explore using the grindings on potholes if they can find a tamper. Not being sure of the cost of the tamper and something for the village administrator to look at was noted.

Committee Reports:

Building and Property: Chairman Tim Cheney had nothing to report.

Community & Business Development: Chairman Bo Fortune reported that the committee met on the 16th to finalize what photographs and material they want in the video. They are working to obtain those photos. Another meeting will be scheduled this evening.

Community Relations: Chairwoman Christie Maurer reported that the chamber would be meeting in council chambers tomorrow night-the 28th at 6 p.m. The West Lafayette Rotary Club Health Fair will be March the 18th from 7 to 9 at the First Baptist Church.

Finance: Chairwoman Christie Maurer reported that everything looks fine.

Fire Dependency Board: There was nothing to report.

Ordinance: Chairman Craig Bordenkircher noted that the committee met on the 21st. They discussed communication from the Village Solicitor regarding the Basic Code Ordinance, which should be presented next council meeting. The Ordinance Committee is recommending the purchase of two hard copies of the 2017 edition for village use. Chairman Craig Bordenkircher would like to have one of those copies purchased before presenting it to council. They are \$395 per copy. The village does have the 2016 edition but it is felt that having the current edition available is important. It can be viewed online. The intent is to have all three readings.

- A motion was made by Bo Fortune and seconded by Ron Lusk to authorize the fiscal officer to purchase two copies of the 2017 edition of the Basic Code. Roll Call 6 yes.

Park Board: Chairman Ron Lusk reported that they have not met. Chairman Lusk did have a meeting with the painter, Jim Fleming, to get an estimate on painting the walls in the bathroom and the bandstand area.

Planning Commission: Chairman Ron Lusk noted there was nothing new. They had an executive session. They cancelled their regular meeting until next month.

Record of Proceedings

Public Safety: Councilman Ron Lusk noted that they had a meeting with the Police Department on the 15th. They discussed how things were working and received an idea of what he thinks of his police officers. His wish list and the hope to replace one of the cruisers every three to four years was discussed. There are no issues with the firing range. He believes it is working out well.

Public Works: Chairman Rich Wheeler noted that the committee met on the 21st. They discussed a couple of personnel issues. They talked about RCAP. It is his understanding that they are going to do a free rate study for the village. The village administrator is putting together the information for RCAP to do the study. The mayor noted that they went back to RCAP. They are going to call it a late analysis. The village administrator had most of the information together for submission on Friday. They were also planning to do an asset analysis, which is where the cost allegedly came from.

Records Retention: Mayor Stephen Bordenkircher had nothing to report.

Rules: Mayor Stephen Bordenkircher had nothing to report.

Introduction to ordinances and resolutions:

Committee Meetings:

Building & Property-

Finance- Monday, March 13, 2017 at 6:30 p.m.

Community & Business-

Ordinance- Tuesday, March 7, 2017 at 5:00 p.m.

Park Board-

Public Safety/ Fire- Wednesday, March 8, 2017 at 7:00 p.m.

Public Works-

Other Business:

Mayor Stephen Bordenkircher noted a flag inventory was completed. There are plenty of American flags. Fifteen village flags need replaced at a cost of \$30 to \$35 each.

- A motion was made by Ron Lusk and seconded by Tim Cheney to purchase fifteen village flags. Roll Call 6 yes.

Councilman Ron Lusk requested that an IT representative attend the next council meeting pertaining to the number of issues. The mayor noted that the intent was to move away from the county. Councilman Lusk wanted to know why there were only issues with one computer. A fiber optic line being cut at the Police Department and the virus was noted. The mayor noted the possibility to cut costs by around \$6,000. The village must provide a thirty day notice prior to the end of the contract period. David Kadri was given the option to discuss matters in open or executive session.

Record of Proceedings

- A motion was made by Ron Lusk and seconded by Tim Cheney to pay the bills as presented. Roll Call 6 yes.
- A motion was made by Craig Bordenkircher and seconded by Bo Fortune to go into executive session to discuss personnel. Roll Call 6 yes
- A motion was made by Tim Cheney and seconded by Ron Lusk to come out of executive session. Roll Call 6 yes.
- A motion was made by Bo Fortune and seconded by Christie Maurer to go into executive session to discuss legislation. Roll Call 6 yes.
- A motion was made by Ron Lusk and seconded by Bo Fortune to continue in open session. Roll Call 6 yes.

The mayor requested to know if there was any additional business to come before council. The Ordinance Committee scheduled a meeting.

- A motion was made by Bo Fortune seconded by Tim Cheney to adjourn until the next meeting on Monday, March 13, 2017 at 7:00 p.m. Roll Call 6 yes.

*A full recording of this evening's minutes can be heard by visiting www.westlafayettevillage.com and clicking on the council tab then selecting recorded minutes.

Stephen R. Bordenkircher, Mayor

Attest:

Sara Warne, Fiscal Officer

Record of Ordinances

Ordinance No.: 2017-08

Passed _____

AN ORDINANCE ESTABLISHING THE BENEFIT SCHEDULE FOR THE VILLAGE OF WEST LAFAYETTE AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

Section 1. Full-Time Employees

- A. The following positions are considered Full-Time Employees. Employees shall not be considered Full-time until the successful completion of the required probationary period:

Chief Of Police	Exempt
Patrolman II	Non-Exempt
Operator III	Non-Exempt
Operator II	Non-Exempt
Operator I	Non-Exempt
Operator	Non-Exempt
Tech	Non-Exempt
Office Manager / Tax Administrator	Non-Exempt
Labor II	Non-Exempt
Fiscal Officer	Exempt

- B. All full time employees are "employed at will" and nothing contained herein shall be relied upon as a contract for a specific term of months or years. The employee may be terminated from employment for cause or without cause at any time.

- C. For all Full-time Employees one day of vacation, holiday, personal, or sick time shall be paid at straight time for scheduled hours.

Section 2. Sick Days

- A. Full time employees of the Village will be entitled to sick leave of seven (7) days with pay per year beginning on the first day of each calendar year after

Record of Ordinances

Ordinance No.: 2017-08

Passed _____

the date of their hiring as a full time employee.

- B. Upon becoming full time, employees shall receive two (2) sick days.
- C. With supervisor approval, sick leave may be taken in one hour increments.
- D. Any employee who is unable to report for work and who is not on a previously approved day of vacation, sick leave, personal leave, or leave of absence, shall be responsible for notifying the employee's immediate supervisor that he/she will be unable to report for work. The notification must be made at least one (1) hour before the employee is scheduled to report for work, unless emergency conditions prevent such notification.
- E. After thee (3) consecutive days of sick leave or sick leave combined with personal time or vacation time then the supervisor may request written verification be obtained from the employee's physician before benefits will be paid and before the employee may return to work. In addition to the previous requirements, the Village reserves the right to send the employee to a physician selected by the Village.
- F. Upon approval of an employee's supervisor, sick leave may be used by the employee only for the following reasons:
 - 1. Illness, injury or pregnancy-related conditions of the employee.
 - 2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of the public and of other employees.
 - 3. Illness, injury or pregnancy-related conditions of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
 - 4. "Immediate family" for the purpose of this provision means the spouse, child, step-child, foster child (If living in the employee's home) grandchild, son-in-law, daughter-in-law, parent, step-parent, grandparent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law of the employee.
 - 5. On the first day of each calendar year an employee shall be entitled to carry over from the prior year a maximum of 424 hours of accrued but unused sick leave provided pursuant to this ordinance.

Record of Ordinances

Ordinance No.: 2017-08

Passed _____

Section 3. Separation from Service

- A. For the purpose of this provision, the term "separation" shall mean retirement into the Village paid pension plans described in Section 7.
1. Any employee who has any unused sick leave accrued pursuant to the provisions of this ordinance shall be entitled to a cash benefit of one-half of the balance of such unused sick leave accrued pursuant to Section 1 of this ordinance including amounts carried over pursuant to the provisions of this ordinance upon separation from service at their election.
 2. In order to be eligible for the conversion of their accrued but unused sick leave into cash, an employee must have one (1) year of regular full time employment prior to separation
 3. Any employee whose employment is terminated shall be considered a new employee upon re-hire with no accrued months of employment for computation of paid vacations, sick pay and paid holidays, and any unused sick leave which was not liquidated to a cash benefit pursuant to paragraph A above shall not be allowed as a carryover.
 4. In event of termination for cause an employee will not be entitled for payment for any remaining unpaid sick pay.

Section 4: Personal Leave

- A. Upon becoming full time, non-exempt employees shall receive three (3) days of personal leave with full pay.
- B. Three (3) days of personal leave shall be granted on January 1 of each calendar year.
- C. With supervisor approval, personal leave may be taken in one hour increments
- D. No carry-over into the next calendar year shall be allowed for unused personal days.

Record of Ordinances

Section 5. Vacation

- A. Each full time employee shall be entitled to paid vacation time as follows which shall accrue on the hiring date as a full time employee:
1. One year from the hiring date, a full time employee shall be eligible for a total of 10 days of paid vacation per calendar year. An employee can request one week paid vacation after six months with supervisor approval.
 2. Five years from the hiring date, a full time employee shall be eligible for a total of 15 days of paid vacation per calendaryear.
 3. Ten years from the hiring date, a full time employee shall be eligible for a total of 20 days of paid vacation per calendar year.
- B. Any employee who has any unused vacation at the time termination for cause or without cause pursuant to the provisions of this ordinance shall be entitled to a cash benefit for any remaining unpaid vacation.
- C. All vacation must have prior approval of the supervisor prior to the use of the vacation.
- D. For all non-exempt employees the scheduling of vacation must be done in advance per the following guidelines:
1. All requests for vacation must be submitted to your supervisor by April 1st.
 2. Your Supervisor will return all vacation requests by May 1st with which weeks are approved.
 3. Employees have 30 days to re-schedule any vacation requests which were not approved.
 4. Employees must schedule all but one week of the available vacation time.

Your Supervisor shall have the right to schedule the vacation time for any employee in accordance with the needs, requirements and convenience of the department.

- E. With supervisor approval, vacation time may be taken in one-half day increments.
- F. Any employee may carry-over a maximum of five unused vacation days into the next calendaryear.

Record of Ordinances

- G. Any non-exempt employee may sell vacation time back to the Village with supervisor approval.
 - a. Any employee who has eligible vacation time of five (5) or more days must take at least five days (5) of vacation.
 - b. Any remaining vacation hours may be sold back to the Village.
 - c. All requests for selling back vacation must be turned in by December 1st.

Section 6. Death in the Immediate Family

- A. For purposed of this section "immediate family" shall be defined as in Section 2 Paragraph F Item 4.
- B. Upon death of a member of an employee's immediate family, that employee shall be allowed:
 - 1. Three (3) days with pay when the funeral is held within the State of Ohio, with one (1) day of said three (3) day period being the day of the funeral.
 - 2. Five (5) days with pay when the funeral is held out of the State of Ohio, with one (1) day of said five (5) day period being the day of the funeral.

Section 7. Pension contributions

- A. The employee of the Village of West Lafayette shall be covered by the following pension plans with all employer contributions made as required by the Village of West Lafayette:
 - 1. Full time police officers - Ohio Police & Fire Pension & Disability Fund
 - 2. All other Fulltime employees – Public Employees Retirement \$ystem of Ohio

Section 8. Health and Life Insurance

- A. All Full Time employees of the Village of West Lafayette shall be covered by a reasonable health insurance plan. The expense of the plan shall be paid as follows: 95% by the Village and 5% by the employee.

Record of Ordinances

- B. All Full Time employees of the Village of West Lafayette shall be eligible to participate in a Dental Insurance Plan. The expense of the plan shall be paid as follows: 50% by the Village and 50% by the employee.
- C. All Full Time employees of the village of West Lafayette shall be eligible to participate in a Vision Insurance Plan. The expense of the plan shall be paid as follows: 100% by The Village and 0% by the employee.
- D. All Full Time employees of the Village of West Lafayette shall be covered by a life insurance policy in the minimum amount of \$20,000.00. The expense of the plan shall be paid as follows: 100% by The Village and 0% by the employee.
- E. Effective January 1, 2015, each employee using tobacco products shall be responsible to pay the increased cost of his/her insurance over a nonuser of tobacco products insurance cost to the Village. The employee shall cooperate in all means requested by the Village or Village's insurer to determine if the employee is a user of tobacco products.
- F. Any Village employee currently receiving this benefit may continue to elect not to receive medical, dental, or vision insurance and they may receive an amount equal to the Village's cost of said insurance for them and their family, not to exceed Five Thousand and 00/100 (\$5,000.00) Dollars in the aggregate as additional salary. The employee may elect to receive this at a rate of \$2.50 per hour worked until the cap is reached or as a lump sum on the Last Friday of December annually. In the event that the employee(s) receiving this benefit terminate their employment with the Village of West Lafayette this amount shall be prorated.

Section 9. Clothing Allowance

- A. The following full-time positions are eligible to receive an annual clothing allowance of \$500.00 per year for work related items:
 - 1. Police Chief
 - 2. Patrolmen Class II
 - 3. Class II Laborer
 - 4. Operator III
 - 5. Operator II
 - 6. Operator I
 - 7. Operator
 - 8. Tech
- B. The following Part-Time positions are eligible to receive an annual clothing allowance of \$150.00 per year for work related items as long as they have worked 100 hours or more by December 31st, of the previous calendar year:
 - 1. Patrolman Class I

Record of Ordinances

2. Village Administrator

- C. The Police Department may use this allowance for the purchase of a service weapon and/or equipment.
- D. No one employee shall receive more than a total of \$500.00 in per calendar year
- E. All non-exempt employees must get supervisor approval prior to using this benefit.
- F. Unused funds do not carry over into the next calendar year.

Section 10. Holiday Schedule

A. Eligibility to receive holiday pay is defined as follows:

- 1. A full time employee.
- 2. Employed thirty (30) consecutive days prior to the said holiday.
- 3. The employee shall work the scheduled workdays directly proceeding and following the said holiday. An employee who uses available "Paid time off (Vacation, Personal, Death in the Family, or Sick time) the schedule work day directly proceeding and/or following the said holiday the employee will have that "Paid Time Off" considered as day(s) worked for the purpose of qualifying for holiday pay.

B. The paid holidays for each calendar year shall be as follows:

New Year's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving Day
Day after/before Christmas
Christmas Day

By December 15th of each calendar year, the Ordinance Committee shall submit the exact calendar days for each holiday to the Mayor for approval. Upon approval by the Mayor, the Mayor will send in writing the approved dates to

Record of Ordinances

Council, Fiscal Officer, Police Chief, and the Village Administrator.

Section 11. Applicable Time Periods

- A. This ordinance shall be applicable to all employees of the Village of West Lafayette, Ohio, on and after January 1, 2017 in regard to all employee benefits Covered herein. Pursuant to Ohio Revised Code Section 9.44 it is herewith declared that the anniversary date of employment is the anniversary date of the most recent hiring as a full time employee.
- B. All provisions of Ordinances and Resolutions inconsistent with the provisions herein shall be and herewith are amended to the extent they otherwise would be applicable to the above benefits on and after January 1, 2017, otherwise however, they shall remain in full force and effect.

Section 12.

- A. All provisions of Ordinances and Resolutions in conflict with the provisions and terms of this ordinance shall be and is herewith amended in accordance with this ordinance.
- B. That this resolution shall be and is hereby declared to be an emergency measure for reason that the Village needs to establish who is eligible for health benefits, and for reason thereof this ordinance shall be effective immediately upon passage, signing by the Mayor, and posting.

Passed on this ____ day of _____, 2017

Stephen R. Bordenkircher, Mayor

Attest:

Sara Warne, Fiscal Officer

Record of Ordinances

This Revision Log is for reference only and is not part of the Ordinance

Revision Log:

<u>Date:</u>	<u>Revision:</u>
2/26/15	Changed Ordinance Number from 2014-31 to 2015-06.
2/26/15	On Page 2, in Section 2, paragraph F.5, changed 21 days to 424 hours.
2/26/15	On Page 4, in Section 5, paragraph E, changed "one hour" to one-half day".
2/26/15	On Page 4, in Section 5, paragraph F, changed "No carry over into the next calendar year shall be allowed for unused vacation days" to "Any employee may carry over a maximum of five unused vacation days into the next calendar year".
2/26/15	On Page 6, in Section 8, added paragraph F. The language from Ordinance 2008-17.
2/26/15	Page 7, Changed Section 11 to Section 12.
2/26/15	Page 8, Change Section 10 to 11
2/26/15	Page 7, Changed Section 9 to 10.
2/26/15	Page 6, Added new Section 9 to document Clothing Allowance practice. Changed amount from \$400 to \$500 and added Village Administrator to the list.
2/26/15	Page 7, Section 10, paragraph B, changed "The paid holidays for the calendar year 2015 shall be as follows:" to "The paid holidays for each calendar year shall be as follows:"
2/26/15	Page 7, Section 10, paragraph B removed all calendar dates. Added "By December 15th of each calendar year, the Ordinance Committee shall submit the exact calendar days for each holiday to the Mayor for approval. Upon approval by the Mayor, the Mayor will send in writing the approved dates to Council, Fiscal Officer, Police Chief, and the Village Administrator".
2/26/15	Page 9, Changed "Roberta Moore, Fiscal Officer" to "Christie Maurer, Acting Council Clerk".
2/26/15	Page 1, Section 1, paragraph A5 changed "Office Manager" to "Office Manager/Tax Administrator".
2/26/15	Page 1, Section 1, paragraph C removed "except for the Office Manager".
2/26/15	Page 1, Section 1, paragraph D was removed.
2/17/16	Page 6, Section 8, Paragraph F, Updated
2/17/16	Page 6, Section 9, Paragraph C, Added
4/11/16	Added New Positions Created by Payroll Ordinance
10/24/16	Changed Section 9, Paragraph D to Section 9, Paragraph E. Changed Section 9, Paragraph E to Section 9, Paragraph F. Added Section 9, Paragraph D.
3/7/17	Amended Section 8, Paragraph F.

Record of Ordinances

Ordinance No.: 2017-09

Passed: _____, 2017

AN ORDINANCE ESTABLISHING 2017 PAY SCHEDULE FOR THE VILLAGE OF WEST LAFAYETTE AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

Section 1. Pay Schedules

A. The rates of compensation of various officials and officers and employees of the Village of West Lafayette shall be and herewith are established as follows:

Police Hourly					
Title	<1 Years	1-5 Years	5-10 Years	10-15 Years	>15 Years
Patrolman II (FT)	\$13.12	\$13.71	\$14.33	\$14.97	\$15.65
Patrolman I (PT)	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00
Patrolman (Probationary)	\$11.00				
Water / Waste Water Hourly					
Title	<1 Years	1-5 Years	5-10 Years	10-15 Years	>15 Years
Operator III	\$20.64	\$21.57	\$22.54	\$23.55	\$24.61
Operator II	\$19.00	\$19.86	\$20.75	\$21.68	\$22.66
Operator I	\$17.50	\$18.29	\$19.11	\$19.97	\$20.87
Operator	\$17.00	\$17.77	\$18.56		
Tech	\$14.50	\$15.15			
Street Hourly					
Title	<1 Years	1-5 Years	5-10 Years	10-15 Years	>15 Years
Village Administrator (PT)	\$17.50	\$18.29	\$19.11	\$19.97	\$20.87
Office Manager	\$12.41	\$12.97	\$13.55	\$14.16	\$14.80
Labor II (FT)	\$11.50	\$12.02	\$12.56	\$13.12	\$13.71
Labor I (PT)	\$10.75				
Labor (Labor Pool)	\$10.50				
Exempt Annually					
Title	<1 Years	1-5 Years	5-10 Years	10-15 Years	>15 Years
Village Administrator (FT)	\$49,800.00	\$49,800.00	\$49,800.00	\$49,800.00	\$49,800.00
Chief of Police	\$40,000.00	\$41,000.00	\$42,025.00	\$43,075.63	\$44,152.52
Fiscal Officer	\$32,740.00	\$33,558.50	\$34,397.46	\$35,257.40	\$36,138.83
Elected					
Title	Annual				
Mayor	\$7,000.00				
Council	\$3,000.00				

B. Council Members missing scheduled Committee Meetings shall have their compensation reduced \$83.50 for every two unexcused absences. The Committee Chairman is responsible for granting the excused absence and shall report any unexcused absences to the Fiscal Officer.

Record of Ordinances

Ordinance No.: 2017-09

Passed: _____, 2017

- C. Council Member - \$10.00 per special meeting attended.
- D. For non-exempt employees over-time shall be paid at the rate of one and one half (1½) times the regular per hour rate:
 - 1. Hours in excess of forty (40) hours worked within a scheduled pay week.
 - 2. Hours in excess of eight (8) hours worked in a scheduled work day, Except when working to make up time.
 - 3. Any village employee scheduled to work on a holiday shall receive 1.5 times their regular rate in addition to his regular holiday pay.
 - 4. If an employee is called back to work after leaving the workplace at the completion of their normal scheduled shift. Over-time pay will stop at the beginning of the normal scheduled shift or when the employee leaves the workplace when the work/task is completed.
 - 5. There shall be no compounding of overtime hours.
- E. Employee requested changes to their normal scheduled shift shall not create any Over-time pay. This does not apply to an employee using Vacation, Personal Leave, or Sick Time.
- F. Un-worked holidays will be considered as time worked for the purpose of computing overtime when the holiday falls on a regularly scheduled worked day. Un-worked holidays will not be considered as time worked for the purpose of computing overtime when the holiday falls on a regularly scheduled day off.
- G. For the purposes of computing over time hours; Vacation, Personal Leave, Death in the Family, or Sick Days will be considered time worked.
- H. If an employee has eligible "paid time off" (Vacation, Personal, Death in the Family, or Sick Leave) it must be used before an employee can request "no pay".
- M. The rate of compensation of the Fire Chief, Assistant Fire Chief of the Village of West Lafayette and bonus payment of the Volunteer Fire Fighter officers and firemen of the Fire Department of the Village of West Lafayette shall be and herewith are established as follows:
 - a. Fire Chief \$2,000.00 per year to be paid annually

Record of Ordinances

Ordinance No.: 2017-09

Passed: _____, 2017

- b. Assistant Chief \$1,000.00 per year plus \$10.00 per run,
to be paid annually
- c. Assistant Chief \$1,000.00 per year plus \$10.00 per run,
to be paid annually
- d. Volunteer Firemen \$10.00 per fire run
- e. Notes: The per fire run payment does not apply to the Fire Chief
 - i. The Volunteer Firemen will be paid annually per reports provided by the Fire Chief
 - ii. The bonus payment for the purpose of this ordinance shall be defined as compensation for services rendered in reporting to emergency calls. The bonus payment is paid only when the person reports to and arrives at the fire station.

N. A village employee may also serve as a village volunteer fireman. A village employee may not be paid for a fire run simultaneously with his pay for village work. If the fire run commences before the end of the village employee's work shift, the employee may be paid for his village shift work and the fire run if the fire run lasts for any period of time after the end of the employee's work shift.

O. Non-exempt employees in the Police Department working Special Events will be paid at a rate of 1.5 times their normal straight time rate for working said event. A Special Event is defined as an event whereby the Village is reimbursed by the third party sponsoring the Special Event. The Police Chief will negotiate a rate with the third party event sponsor to include all costs incurred by the Village.

Section 2. Applicable Time Periods

- A. This ordinance shall be applicable to all employees of the Village of West Lafayette, Ohio, on and after January 1, 2017 in regard to all employee benefits covered herein. Pursuant to Ohio Revised Code Section 9.44 it is herewith declared that the anniversary date of employment is the anniversary date of the most recent hiring as a full time employee.
- B. All provisions of Ordinances and Resolutions inconsistent with the provisions herein shall be and herewith are amended to the extent they otherwise would be applicable to the pay rates of the above pay categories and classifications on and

Record of Ordinances

Ordinance No.: 2017-09

Passed: _____, 2017

after January 1, 2017, otherwise however, they shall remain in full force and effect.

Section 3.

- A. All provisions of Ordinances and Resolutions in conflict with the provisions and terms of this ordinance shall be and is herewith amended in accordance with this ordinance.
- B. That this resolution shall be and is hereby declared to be an emergency measure for reason that the Village needs to establish pay rates, and for reason thereof this ordinance shall be effective immediately upon passage, signing by the Mayor, and posting.

Passed on this _____ day of _____, 2017

Stephen R. Bordenkircher, Mayor

Attest:

Sara Warne, Fiscal Officer

Record of Ordinances

Ordinance No.: 2017-09

Passed: _____, 2017

This Revision Log is for reference only and is not part of the Ordinance

Revision Log:

<u>Date:</u>	<u>Revision:</u>
6/22/15	Changed Ordinance Number from 2014-31 to 2015-09.
6/22/15	Page 1, Section, Paragraph C Changed adding Tax Administrator to Office manager indicating rate of pay to \$13.05 per hour
8/10/15	Changed Ordinance Number from 2015-09 to 2015-12.
8/10/15	Changed Section 1, Paragraph A Item 2, Paragraph B Item 1, and Paragraph C item 3 to reflect \$0.50 pay raise.
8/10/15	Page 2, added Council Special Meeting Pay in Section E
8/10/15	Page 2, Added Section F.2. Overtime for 8 hours in a day.
8/10/15	Page 2, changed Section I from: "For the purposes of computing over time hours; Vacation, Personal Leave, Death in the Family, or Sick Days will not be considered time worked. This section (1G) does not apply to Section 1D3" to "For the purposes of computing over time hours; Vacation, Personal Leave, Death in the Family, or Sick Days will be considered time worked".
8/10/15	On Page 3, changed last sentence of Section O from "The Police Chief will negotiate a rate" to "The Police Chief will negotiate a rate with the third party event sponsor to include all costs incurred by the Village".
8/10/15	On Page 2, Section K Removed
8/10/15	On Page 3, Section L Removed
11/12/15	Page 3, Section M, Item A, added plus \$10.00 per run, Item B, revised from Assistant Chief to Operations Officer \$1,000.00 per year plus \$10.00 per run, to be paid annually, Item C, added Finance Officer, \$1,000.00 per year plus \$10.00 per run, to be paid annually
11/12/15	Page 3, Section M, Paragraph E, changed from: The per fire run payment does not apply to either the Fire Chief or the Assistant Chief to The per fire run payment does not apply to the Fire Chief
12/21/2015	On page 2, Added section 1 Paragraph D.
12/21/2015	On Page 3, Section M, Item B, Revised Operations Officer to Assistant Chief, Revised Finance Officer to Assistant Chief.
2/9/2016	Page 2, Removed Supplemental income for exempt employees
2/9/2016	Page one made adjustments to section 1 wages

Record of Ordinances

Ordinance No.: 2017-10

Passed: _____, 2017

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2017 EDITION OF THE OHIO BASIC CODE, PUBLISHED BY THE AMERICAN LEGAL PUBLISHING CORPORATION, FOR THE VILLAGE OF WEST LAFAYETTE, OHIO; REPEALING ORDINANCES IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING THE SAME TO BE AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequate arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW THEREFORE, BE IT ORDAINED OF THE COUNCIL of the village of West Lafayette, Coshocton County, Ohio that:

Section 1: American Legal Publishing's Ohio Basic Code, 2017 Editions reviewed and approved by legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2017 Edition

Section 2: One copy of American Legal Publishing's Ohio Basic Code, 2016 Edition, certified as correct by the Mayor and Fiscal Officer of the Village, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A."

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2016 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this Ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, 2016 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

Record of Ordinances

Ordinance No.: 2017-10

Passed: _____, 2017

- (B) The repeal provided above shall not affect:
- (1) The grant or creation of a franchise, license, right, easement or privilege;
 - (2) The purchase, sale, lease or transfer of property;
 - (3) The appropriation or expenditure of money or promise or guarantee of payment;
 - (4) The assumption of any contract or obligation;
 - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
 - (6) The levy or imposition of taxes, assessments or charges;
 - (7) The establishment, naming, vacating or grade level of any street or public way;
 - (8) The dedication of property or plat approval;
 - (9) The annexation or detachment of territory;
 - (10) Any legislation enacted subsequent to the adoption of this Ordinance;
 - (11) 2014-23 AN ORDINANCE TO AMEND CHAPTER 618 CODE OF ORDINANCE, ANIMALS, TO BE CONSISTANT WITH THE ZONING CODE
 - (12) 2016-12 AN ORDINANCE RELATING TO THE TRIMMING OF NOXIOUS WEEDS, GRASS, BRUSH, AND OTHER WEEDS
 - (13) 2016-13 AN ORDINANCE TO PROVIDE FOR MAINTENANCE OF ANY DILAPIDATED STRUCTURE OR ANY UNSANITARY PREMISES
 - (14) 2012-11 AN ORDINANCE PROHIBITING FREESTANDING OUTDOOR FURNACES AND DECLARING AN EMERGENCY
 - (15) 2010-48 AN ORDINANCE TO AMEND AND CODIFY ORDINANCE #2007-11, DECLARING AN EMERGENCY, AND CREATING NEW SECTION 672.25 CODIFIED ORDINANCES, CURFEW

Record of Ordinances

Ordinance No.: 2017-10

Passed: _____, 2017

(16) 2010-21 AN ORDINANCE ESTABLISHING A PERMIT TO SOLICIT BUSINESS INSIDE THE VILLAGE OF WEST LAFAYETTE

(17) 2010-36 AN ORDINANCE TO AMEND CHAPTER 618 CODE OF ORDINANCE, ANIMALS

(18) 2014-15 AN ORDINANCE TO AMEND CHAPTER 618 CODE OF ORDINANCE, ANIMALS

(19) 2011-18 AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO CREATE AND UTILIZE AN UNCLAIMED FUNDS TRUST FUND (910) IN ACCORDANCE OF THE PROVISIONS OF SECTION 9.39 OF THE OHIO REVISED CODE.

(20) Any legislation enacted prior to the adoption of this Ordinance and said legislation was enacted to supersede prior ordinances adopted by the Council of the Village, including a provision contained in prior versions of the Ohio Basic Code.

Section 4. Whenever reference is made in any documents, publications, or signs of the Village, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified, or renumbered.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health safety and general welfare of the people of the Village, and shall take effect at the earliest date provided by law.

PASSED IN COUNCIL THIS ____ day of _____, 2017

Stephen R. Bordenkircher, Mayor

ATTEST:

Sara Warne, Fiscal Officer

Record of Ordinances

Ordinance No.: 2017-11

Passed: _____, 2017

AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE AN AGREEMENT FOR PARTICIPATION WITH THE REGIONAL INCOME TAX AGENCY (RITA) FOR SERVICES RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE VILLAGE OF WEST LAFAYETTE INCOME TAX ORDINANCE AND DECLARING IT AN EMERGENCY.

WHEREAS, a Regional Council of Governments established pursuant to Chapter 167 of the Ohio Revised Code and known as the Regional Income Tax Agency (RITA) has provided income tax administration and enforcement services to communities in Ohio for over forty years, and

WHEREAS, the village believes that obtaining income tax administration and enforcement services from RITA as an experienced agency will be of benefit to the Village of West Lafayette and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WEST LAFAYETTE, STATE OF OHIO:

Section 1:

That the mayor and fiscal officer be, and is hereby authorized to execute on behalf of the Village of West Lafayette an Agreement for Participation in a Regional Council of Governments, same being known as the Regional Income Tax Agency (RITA) for the purpose of obtaining the services of said Agency to administer and enforce the Village of West Lafayette Income Tax Ordinance, all in accordance with the proposed Agreement for Participation as attached here to as Exhibit A and made part hereof.

Section 2:

That this resolution shall be and is hereby declared to be an emergency measure necessary for the health, safety, and welfare of the citizens of West Lafayette, Ohio, for reason that the Village of West Lafayette needs to execute this agreement at the earliest possible time so that necessary preparation and data conversion may be completed prior to a transfer of administration of the Village of West Lafayette Tax Ordinance to the Regional Income Tax Agency on October 1, 2017.

Passed on this _____ day of _____, 2017

Stephen R. Bordenkircher, Mayor

Attest:

Sara Warne, Fiscal Officer

**AGREEMENT FOR PARTICIPATION IN
A REGIONAL COUNCIL OF GOVERNMENTS**

This Agreement is made and entered into by and between certain municipal corporations in Cuyahoga County, Ohio, and other Ohio counties, who have become parties to this Agreement by causing either this Agreement or an identical copy of it to be signed by an officer duly authorized by the legislative authority of such municipal corporation.

WITNESSETH

The parties to this Agreement, wishing to participate in a Regional Council of Governments pursuant to Chapter 167 of the Ohio Revised Code, consisting of the municipal corporations who are parties to this Agreement, agree as follows:

I. NAME

The name of the Regional Council is "Regional Council of Governments."

II. PURPOSE

The purpose of the Council established is to foster cooperation between municipalities through sharing of facilities for their common benefit. This includes the establishment of a central collection facility for the purpose of administering the income tax laws of the various municipal corporations who are parties hereto and for the purpose of collecting income taxes on behalf of each such municipal corporation, doing all things allowed by law to accomplish such purpose.

III. ADMINISTRATIVE AUTHORITY

The Council is established and administered in the following manner:

A. Each municipal corporation which is a party to this Agreement has one (1) representative to a Council of Governments, who shall be appointed by the Chief Executive with the approval of City Council. Each municipal corporation shall similarly designate an alternate who may act in place of the representative in his absence.

B. Each member of the Council shall be entitled to one (1) vote on each item under consideration. Voting shall be done by members or alternates personally present and no proxy or absentia voting shall be allowed.

C. The Council shall elect a President, Secretary and Treasurer and such other officers as the Council may desire. All officers shall hold office for a term of one (1) year or until a successor is elected and qualified. Officers shall serve without compensation. The Council shall have the authority to adopt its own rules and by-laws to govern its proceedings.

IV. MUNICIPAL TAX COLLECTION AGENCY

The Council has established a "Municipal Tax Collection Agency" for the collection of municipal income tax revenues on behalf of the member municipalities.

A. The Agency hereby established shall be administered by a Board of Trustees composed of nine (9) persons, at least six (6) of whom shall be officers or employees of participating municipalities. Effective July 1, 1973, these nine (9) persons shall be divided into three groups of three persons each who shall serve overlapping terms. Three members shall be elected for a term of one (1) year, three members elected for a term of two (2) years, and three members elected for a term of three (3) years, beginning July 1, 1973. Thereafter as the terms of each group expire, three Trustees shall be elected for succeeding terms of three (3) years each. A majority of the Trustees shall constitute a quorum and affirmative action may be taken only by a majority of all the members elected to the Board of Trustees. The Trustees shall select annually one of its members to serve as Chairman, one to serve as Vice-Chairman, one to serve as Secretary, and one to serve as Treasurer. Trustees shall serve without compensation.

The Board shall establish its own by-laws which shall include the following:

1. Provision for regular and special meetings.
2. Provision for minutes of all Board meetings to be mailed to all Council representatives and to the Advisory Committee.

B. The members of the Board of Trustees shall be elected in the following manner. Each Municipal member of the Council of Governments may nominate an individual to serve on the Board. Such individual need not necessarily be a representative to the Council or an employee of the municipality which nominates him. The nominees will then be voted on by the Council with each representative having one vote for each vacancy on the Board. The number of nominees receiving the highest votes corresponding to the number of vacancies on the Board shall be deemed to have been elected to the Board by the Council, provided, however, that they receive at least thirty percent (30%) of the votes of those present and voting and subject to the provisions of Paragraph A herein above. If any one or more of the members so-elected does not receive thirty percent (30%), this election shall be void and a run-off election shall be held.

C. Any Trustee may be removed from office by the affirmative vote of two-thirds (2/3) of all the members of the Council at any regular or special meeting. In the event of the removal or resignation of any Trustee from office, the Council shall proceed immediately to elect his successor for the balance of his term.

D. The Board of Trustees shall be authorized to administer and enforce the income tax laws of each of the participating municipal corporations, party to this agreement, as its agent as set forth in the various ordinances. Each municipal corporation, however, retains its right to administer and enforce its own income tax laws coincidentally with the Board.

E. Said Board shall employ an Administrator and such assistants as it deems necessary to fulfill these obligations and the Board may delegate such of its duties, responsibilities and authority as it deems advisable to the Administrator. In addition to the duties and responsibilities required by the various Ordinances, the Board of Trustees, through its Administrator, shall be responsible for, but not limited to the following functions as hereinafter defined:

1. Compiling and furnishing taxpayer lists, which shall be revised, corrected, and re-issued annually.
2. Tax Forms shall be designed, provided, distributed and processed.
3. Billing of taxpayers, except accounts which are delinquent for a period of more than one (1) year shall also be forwarded to the participating government, which has jurisdiction of the subject matter for further action. Upon a request from such participating government, any extraordinary costs incurred by it in collecting delinquent accounts may be charged against the distribution of each participating government which benefits from said collection.
4. Examining and auditing income tax returns and records.
5. Notifying taxpayers of payments due and delinquencies.
6. Disbursing income tax collection to the various participants, as hereinafter provided.
7. Assembling a data processing bank of tax information and tax records. In this connection, the Board of Trustees is authorized to acquire the necessary equipment, by lease or purchase, and to engage the necessary personnel to assemble and maintain this data, and to charge the costs thereof in accordance with sound accounting principles and practices. Said costs shall be prorated to the participating governments in the manner hereinafter set forth in the allocation of costs. The Board of Trustees may also prorate to all the participants over a period of years the costs of major expenditures.

V. RESPONSIBILITIES OF THE PARTICIPANTS

A. Each of the participants in the Regional Council agrees to cooperate insofar as it is practicable to do so with the Board of Trustees or its employees in the following matters:

1. The adoption of compatible income tax provisions and rules and regulations for collection.
2. The granting of full faith and credit to the provisions of the other participants' ordinances and the implementation of such provisions where possible.
3. Furnishing of information or assistance which may be necessary to the successful operation of the Municipal Tax Collection Agency, including the requiring of wage withholding by employers within its jurisdiction for employees living within the jurisdiction of some other participating community.
4. The interchange of tax information and records necessary to the allocation of costs of the Agency or enforcement of its rules and regulations.
5. Sponsoring legal action necessary and desirable for the enforcement of the individual tax ordinances, including legal action necessitated due to audit procedures.

VI. ALLOCATION OF COSTS

A. Each participant to this Agreement agrees to share the costs of establishing this Regional Council of Governments and the Municipal Tax Collection Agency by contributing to the Agency that amount of money which bears the same proportion to the cost of such establishment as the 1970 Income Tax Revenues of the participating community bears to the 1970 Income Tax Revenues of all participating communities. At the initial meeting of the Council of municipal representatives, the Council shall determine the estimated cost of such establishment and each participating municipality agrees to forthwith contribute its share. In the event that such estimate is inadequate, each participating community agrees to take further action to supplement its contribution. Any funds not required shall be returned to the participating community or credited against its future costs of collection.

B. Any municipality which subsequently chooses to join the Council of Governments and to participate in the Municipal Tax Collection Agency shall be required to pay its proportionate share of the costs of establishment computed on the same basis used to compute the shares paid by the original members, as determined by the Board of Trustees, into the general operating fund of the Agency.

C After deduction of direct charges made to municipalities which request special information or extraordinary service, the remaining actual costs of tax collection shall be shared by the participants in the Agency according to the following formula:

1. The total cost of the Tax Collection Agency shall be multiplied by a factor consisting of the number of transactions processed for such participants as the same relates to the total number of transactions processed by said Agency.
2. Total cost of the Agency shall be multiplied by a factor consisting of the participant's percentage share of the total receipts collected by the Agency.
3. Add step 1 and step 2.
4. The sum of steps 1 and 2 (step 3) shall be divided by two and the figure so derived shall represent the participant's total cost.

This formula may be exemplified by the following equations:

Step 1.

$$\text{Total Cost} \times \frac{\text{No. of Participant's Transactions}}{\text{Total Number of Transactions}} = \$ \underline{\hspace{2cm}}$$

Step 2.

$$\text{Total Cost} \times \frac{\text{Participant's Total Receipts}}{\text{Total Agency Receipt}} = \$ \underline{\hspace{2cm}}$$

Step 3.
 Add Step 1 and 2. = \$

Step 4.
 Divide Step 3 by 2. Participant's Cost = \$

5. The term "Transaction" as used in the above formula includes any activity related to the processing, auditing and handling of forms or communications, the same to be weighted by an experience factor.

VII. DISTRIBUTION OF MONEY

A. The Board of Trustees shall keep all monies collected hereunder in the manner provided by law in a segregated and separate bank account. They shall keep records showing the amount of all income tax monies received by them together with all increments, additions and investment interest thereto. The Board of Trustees shall as far as practicable invest all monies received by them and the interest thereby received shall apply to reduce the total cost of operation of the Agency without regard to any allocation of such interest in participating municipalities.

B. On or before the tenth business day after the end of each month, the Board of Trustees shall settle with the participants for all monies collected by said Board on the participants' behalf, so far as this money can be identified and allocated to the proper participants together with any adjustments thereof. In the event that the monies collected by the Board of Trustees cannot be identified and therefore allocated, said Board shall distribute to the participant said monies with the next immediate monthly payment, after identification and allocation can be made. The Board of Trustees shall retain five percent (5%) of any tax monies to be distributed to the participant to apply toward each participant's respective share of the cost of the operation of the Municipal Tax Collection Agency. The Board of Trustees shall have the authority to amend or adjust the withholding percentage to reflect any changes in the cost of the administration of the Agency as revealed by the annual audit. Disbursements shall be made to all participants at the same time and at the same percentage.

C. At the end of the year, if the cumulative amount withheld from each monthly distribution of any participant shall exceed such participant's share of the annual cost of the operation of the Agency such excess shall be refunded to the respective participant. However, if the cumulative amount held from each distribution for any participant shall be less than such participant's share of the annual cost of the operation of the Agency, such deficiency shall be assessed against the respective participant. The distribution of tax monies to any participant shall be adjusted to reflect any such overpayment or deficiency.

VIII. ANNUAL AUDIT

The Board of Trustees shall cause an annual audit to be made of the operations of the Municipal Tax Collection Agency by an independent Certified Public Accounting firm of their choice for the purposes of verifying the correctness of all accounting procedures employed, all distributions of funds made, allocation of all costs and all reports submitted to the participants. The expenses of such audit shall be part of costs of the administration of the Municipal Tax Collection Agency. Copies of the audit in its entirety shall be furnished to all participants.

IX. BOARD OF REVIEW DECISIONS

A. It shall be the prerogative of the Board of Review of each of the parties hereto to make rulings and to decide appeals from all questions arising in their respective jurisdictions. Copies of all said rulings and opinions shall be filed with the Board of Trustees of the Agency.

B. The parties agree to the extent practicable to consider any prior decision on file with the Board of Trustees on similar questions rendered by the Board of Review of any party. Furthermore, the Board of Trustees shall have the right to request a re-hearing before any Board of Review that renders a decision which they deem incompatible with the operation of the Municipal Tax Collection Agency.

X. ADVISORY COMMITTEE

An Advisory Committee shall be established for the purpose of consulting and advising the Board of Trustees on problems of mutual interest to the participants. Such Advisory Committee shall consist of the respective tax administrators of the participants. Said Committee shall meet at least once a month in the office of the Agency or at any such time as a majority of the members of such Committee shall designate.

XI. CANCELLATION OF THE AGREEMENT

A. Any participant may withdraw from this Agreement for the operation of a Municipal Tax Collection Agency provided, however, that any such withdrawal shall be effective only on December 31st of any given year, and shall be preceded by written notice of withdrawal delivered to the Board of Trustees by registered mail or by personal service not later than July 1 prior to the effective date of such withdrawal. In the event that any participant should repeal its income tax ordinance, the obligations of this Agreement relative to auditing and distribution of funds shall continue in effect until final settlement has been made for all monies collected for the participant, prior to the effective date of such repeal.

B. In the event of the withdrawal for any reason by any participant, such information and records which have been created shall be returned by the Board of Trustees to the respective participant or alternate agency, if so directed, within a reasonable time after settlement has been made. All other rights, titles or interests of the participant to any of the property of the Agency arising out of this Agreement or otherwise, shall be deemed to be forfeited by such withdrawing participant.

C. This Agency may be dissolved by a majority of the parties hereto and in such an event, the Board of Trustees shall liquidate all of the assets of the Agency, pay all outstanding debts and distribute the remaining funds to the participants in the proportion that they share the total cost of the Agency as provided in Article VI.

XII. ADDITIONAL MEMBERS OF THE COUNCIL

In the event any municipality files an application to become a member of this Council of Governments, agreeing to abide by all of the terms and conditions set forth in this Agreement, and such application is approved by members of the Board of Trustees at any regular or special meeting, thereafter, such municipality shall be entitled to representation in the same manner hereinbefore provided for other municipalities.

(Adopted at the Regional Council of Governments Meeting of June 21, 2006/July 18, 2006 as reported at the Regional Income Tax Agency Board of Trustees Meeting July 20, 2006. Effective immediately).

XIII. ADDITIONAL ACTIVITIES

In the event that the Regional Council of Governments shall determine at any time to undertake cooperative activities other than the collection of municipal income taxes, no municipal corporation party to this Agreement shall be required to participate in the administration or cost of such activity without its prior consent. This section may be amended only through unanimous consent of the legislative bodies of all member municipal corporations.

XIV. AMENDMENTS

Except as provided in Article XIII above, this Agreement may be amended by majority vote of all members of the Regional Council of Governments at any regular or special meeting, provided copies of such proposed amendments are mailed to all members not less than thirty (30) days prior to such meeting.

XV. SEVERABILITY

In the event any part or portion of this Agreement shall be found to be contrary to law and thereby held to be null and void, all other provisions of the Agreement shall remain in full force and effect, and shall not be otherwise affected by any such ruling, finding or decision.

XVI. FACILITIES

Pursuant to R.C. 167.04, the Regional Council of Governments adopted the following by-law and amendment.

- A. This Regional Council of Governments is authorized, by and through its governing Board, the 9-member Board of Trustees, to purchase, lease, or construct, or otherwise provide for, facilities to house the operation of the Regional Income Tax Agency as authorized by R.C. 167.05. Any such action requires the affirmative vote of not less than 2/3 of the members elected to the Board.

- B. This by-law adopted April 8, 1997 and effective immediately.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the date indicated by signing this Agreement or identical copies of same.

Village/City of _____

Authorized by Ordinance No. _____

Effective Date of Ordinance _____

By _____
 Name Title

By _____
 Name Title

Date _____

Effective Date of Collection _____

ACCEPTED

 R.C.O.G. President

Date _____