

AGENDA
City Commission Meeting
222 Meigs Street
5:00 p.m.

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MONDAY, JUNE 25, 2007

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Prayer
Pledge of Allegiance
Meeting Called to Order
Roll Call - CS, DE, DK, DM, BC, BF, DW
Minutes – June 11th

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Charter Officers – (Don) James L. Miers, Interim City Manager, Don Icsman, Law Director,
Ed Widman, Finance Director, B. Joyce Brown, Clerk of the City Commission

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Audience Participation – Agenda Items Only (3 minute limit)

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PRESENTATION - Introducing/Recognizing the newly promoted police sergeants, lieutenants and newly hired officers. Sgt. Tracey Susana, Sgt. Richard Braun, Sgt. Richard Cottrill, Sgt. John Orzech, Lt. Robert VanScoy, Lt. Mel Burns, Officer Scott Dahlgren, Officer Eric Constante, Officer Jody Showgren, Officer Jason Zsebik

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PRESENTATION - Regional Dispatch (Fire Dept.)

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PUBLIC HEARING – An application for an amendment to the Zoning Map for Parcel #5700162000 and Parcel 570498000 (0 and 1022 C Street) from “R1-40” Single-Family Residential to “GB” General Business District submitted by Balconi Monuments, Inc. The purpose of this rezoning is to allow for the construction of a new building to allow for expansion of the existing business operation on the subject property.

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NEW BUSINESS

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ITEM# 1 – Communication – Jeffrey W. Rosekelly, Project Engineer

ORDINANCE NO. _____ Determining to proceed with the improvement of Monroe Street between certain termini by grading, paving, resurfacing, constructing curbs, gutters, sidewalks, driveway approaches and curb ramps, and adjusting manholes, catch basins and a water valve box to grade, all together with the necessary appurtenances thereto. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM# 2 – Communication – Warrenette Parthemore, Director of Administrative Services

ORDINANCE NO. _____ Enter into a contract with Robert L. Heneman, PH.D. of Columbus, Ohio, for Professional Consulting Services for a Job Classification and Compensation Study. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM# 3 – Communication – Ed Widman, Finance Director

ORDINANCE NO. _____ Authorizing and directing the City Manager and/or Finance Director to make payment to the North Central Ohio Municipal Finance Officers Workers Compensation Group Rating Plan. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM# 4 – Communication – Kim A. Nuesse, Chief of Police

ORDINANCE NO. _____ Enter into a Mutual Aid Contract with the Board of Perkins Township Trustees for the Interchange and Use of Police Personnel and Equipment. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM# 5 – A motion was made at meeting of June 11th

ORDINANCE NO. _____ Enter into an agreement with Circuit Rider Management Group of Granville, Ohio, for assistance in the recruitment and selection of a new City Manager. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM# 6 – Communication from Ohio Department of Liquor Control

Ohio Department of Liquor Control submitting a transfer request of D1, D2, D3, D3A, and D6 from PKM Inc. dba Margaritaville, 212 Fremont Avenue & Patio, Sandusky, Ohio 44870 to Cabana Bob LLC dba Margaritaville, 212 Fremont Avenue & Patio, Sandusky, Ohio 44870. **Request the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request.**

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City Manager's Report
Old Business
New Business
Audience Participation – open discussion on any item (5 minute limit)
Press Question/Answers
Executive Session
Adjournment

TO: James L. (Don) Mears, Interim City Manager
FROM: Jeffrey W. Rosekelly, P.E.
DATE: June 13, 2007
SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: Proposed Monroe Street Resurfacing Project Phase II. This project is from Camp Street to Columbus Avenue, and includes the replacement of curb and gutters, sidewalks and drive approaches in need of repair; full-depth pavement repair on the outer five feet (5') of pavement; and milling and re-surfacing to a depth of three inches (3") of the remaining road surface.

STRATEGIC PLAN: This item complies with the City's Strategic Plan. The approval of this proposed change is in line with the General Goals of Development of Housing and Promotion of the City of Sandusky as a place to live through roadway improvements. Huntington Avenue has been deteriorating for several years now and is greatly in need of reconstruction.

BUDGETARY INFORMATION: The total estimated project cost including engineering, inspection, advertising and miscellaneous expenses is \$646,106.05. The private assessment cost is \$162,676.47. The City portion of the project cost is \$211,929.58. The Water Fund expense will be \$1,130.50, the Sewer Fund expense will be \$22,431.50, the \$5 license fee fund will be \$188,367.58 and the Ohio Public Works Grant expense will be \$271,500.00.

ACTION REQUESTED: It is recommended that the proposed Monroe Street Resurfacing Project Phase II be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project and receive competitive prices.

Jeffrey W. Rosekelly, P.E.
Project Engineer

I concur with this recommendation:

James L. (Don) Mears
Interim City Manager

Kathryn K. McKillips, P.E.
Director of Engineering Services

cc: Don Icsman, Law Director
Ed Widman, Finance Director
Joyce Brown, Clerk of City Commission
Ernie Demanelis, Squire, Sanders, & Dempsey

ORDINANCE NO. _____

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF MONROE STREET BETWEEN CERTAIN TERMINI BY GRADING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS, DRIVEWAY APPROACHES AND CURB RAMPS, AND ADJUSTING MANHOLES, CATCH BASINS AND A WATER VALVE BOX TO GRADE, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Commission adopted Resolution No. 006-07R on February 26, 2007 (the Resolution of Necessity), declaring the necessity of making the improvement described in Section 1; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to provide for the construction of the improvement and thereby eliminate hazards to the traveling public, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW THEREFORE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, that:

Section 1. It is hereby determined to proceed with the improvement of Monroe Street from Camp Street to Columbus Avenue by grading, paving, resurfacing, constructing curbs, gutters, sidewalks, driveway approaches and curb ramps, and adjusting manholes, catch basins and a water valve box to grade, all together with the necessary appurtenances thereto, all as described and provided for in the Resolution of Necessity.

Section 2. That improvement shall be made in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, estimates and profiles heretofore approved and now on file in the office of the Director of Engineering Services and the Clerk of this Commission.

Section 3. All claims for damages resulting therefrom that have been legally filed shall be inquired into after completion of that improvement, and the Law Director is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any claims that have been so filed.

Section 4. The portion of the cost of that improvement to be assessed as provided in the Resolution of Necessity shall be assessed in the manner and pursuant to the schedule provided in the Resolution of Necessity and on the lots and lands described therein.

Section 5. The estimated special assessments heretofore prepared and filed in the office of the Clerk of this Commission be and the same are hereby approved and adopted. This Commission does hereby determine that said assessments as so adopted are in proportion to the benefits which may result from such improvement and are not in excess of any statutory limitation.

Section 6. The Clerk of this Commission is hereby directed to deliver a certified copy of this ordinance to the County Auditor within fifteen days after its passage. As provided in Section 15 of the City Charter, and in lieu of publishing this ordinance, the Clerk of the Commission

shall cause a notice of determination to proceed with public improvement substantially in the form contemplated therein to be published once in a newspaper of general circulation in this City.

Section 7. Subject to the provisions of Revised Code Section 727.24, the City Manager is hereby authorized and directed as soon as the funds are available therefor to make and execute a contract for said improvement with the lowest and best bidder after advertising according to law, and the improvement shall be financed as provided for in the Resolution of Necessity.

Section 8. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 9. For the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage and due authentication by the President and the Clerk of the City Commission.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: June 25, 2007



DEPARTMENT OF ADMINISTRATIVE SERVICES

- ❖ Facilities Maintenance
- ❖ Fleet Maintenance
- ❖ Human Resources
- ❖ Information Technology

222 Meigs Street
SANDUSKY, OH 44870
PHONE (419) 627-5968
FAX (419) 627-5825
www.ci.sandusky.oh.us

TO: James L. (Don) Miears, Interim City Manager

**FROM: _____
Warrenette Parthemore, Director of Administrative Services**

DATE: June 12, 2007

RE: Item for Commission Agenda

ITEM FOR CONSIDERATION: *Legislation authorizing the City Manager to enter into an agreement with Robert L. Heneman, Ph.D., to obtain professional consulting services for a job classification and compensation study for all full- and permanent part-time positions of the City.*

BACKGROUND INFORMATION: The establishment of a good job classification and compensation system that can be used for many years to assure equity in pay, benefits and responsibility for the employees of the City will help us maintain a legally defensible position regarding raises and fair treatment. A full classification study will address any inequities, whether real or perceived, in classification or compensation. For a position to be audited, the criteria upon which classification and compensation decisions will be based are pre-determined, fair and equitable, and applicable to all positions within the City. The City Administration believes that a complete classification project will not only set the basis for current classification and compensation decision-making, but provide a clear and concise methodology for which to address future requests for re-classification both in covered and non-covered positions with the City. Finally, the completed project will provide accurate and current information that can be used during the collective bargaining process. Independent, professional consulting services are recommended due to the time constraints of City staff. Additionally, an independent third party should alleviate any concerns of the process being completed in a fair and unbiased manner. Proposals were requested from:

Bernardini Consulting	Columbus, Ohio
Clemans, Nelson and Associates	Dublin, Ohio
Downes, Hurst & Fishel	Columbus, Ohio
Robert Heneman, Ph.D.	Columbus, Ohio
Scott Warrick Consulting	Reynoldsburg, Ohio

Three (3) proposals were received for this project:

Downes, Hurst & Fishel	\$ 49,600.00
Robert L. Heneman	\$ 39,050.00
Clemans-Nelson & Assoc.	\$50,000.00

The proposals were evaluated and are summarized on the attached chart. Although all are well qualified and follow the same basic methodology, the Heneman proposal is approximately \$10,000.00 less and includes training for the Human Resources staff and the City Management Team. Therefore, it is recommended the City accept the proposal from Robert L. Heneman, Ph.D., for the Job Classification and Compensation Plan project.

BUDGET IMPACT: The cost of this project is \$ 39,050.00 to be distributed between the City's General, Water and Sewer Administrative Support funds. Although this project was not included in the 2007 appropriations, it can affect current and future budgets by establishing an equitable basis for wages and negotiations. The assistance of an expert in the area will help assure the City has a system that will be used for many years.

STRATEGIC PLAN IMPACT: There is not a specific strategic plan item directly tied to position classification. However, it should be noted that as employees of the City of Sandusky we provide services to residents and visitors. When employees do not believe they are fairly compensated that feeling can have an impact on their daily interactions with our residents and visitors. A fair, equitable compensation system should positively impact general performance including customer service.

ACTION REQUESTED: It is requested that the proper legislation be prepared to enter into a contract with Robert L. Heneman, Ph.D., to obtain professional consulting services for a job classification and compensation study for all full- and permanent part time positions of the City. **It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter upon its adoption so that the City may enter into this contract immediately which will allow the consultant to begin the project which is scheduled for completion by October 30, 2007.**

I concur with this recommendation.

James L. (Don) Mears
Interim City Manager

CC: Donald C. Icsman, Law Director
B. Joyce Brown, Clerk of the Commission

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROBERT L. HENEMAN, PH.D., OF COLUMBUS, OHIO, FOR PROFESSIONAL CONSULTING SERVICES FOR A JOB CLASSIFICATION AND COMPENSATION STUDY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Administration has determined that a job classification and compensation study for all full-time and permanent part-time positions of the City will help to maintain a legally defensible position regarding raises and fair treatment and address other inequities in classification or compensation and not only set the basis for current decision-making, but provide a clear and concise methodology for future requests for reclassifications; and

WHEREAS, independent, professional consulting services are recommended due to the time constraints of City staff and should alleviate any concerns of the process being completed in a fair and unbiased manner and the information from this job classification and compensation study can be used during collective bargaining sessions; and

WHEREAS, upon public, competitive bidding as required by law, three (3) proper and appropriate bids were received, of which the bid of Robert L. Heneman, Ph.D., of Columbus, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the cost of the job classification and compensation study is \$39,050.00 and will be distributed between the City's General, Water and Sewer Administrative Support funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the City to enter into this contract immediately which will allow the consultant to begin the project which is scheduled for completion by October 30, 2007; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a contract with Robert L. Heneman, Ph.D., of Columbus, Ohio, consistent with the proposal submitted to the Director of Administrative Services, a copy of which is marked Exhibit "A" and attached to this Ordinance, for professional consulting services for a job classification and compensation study in an amount **not to exceed** Thirty Nine Thousand Fifty and 00/100 Dollars (\$39,050.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

MEMO

TO: City Commission
FROM: Ed Widman, Finance Director
DATE: June 11, 2007
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Additional charge for Workers' Compensation Group Rating Plan for 2006 with the North Central Ohio Municipal Finance Officers Association.

BACKGROUND INFORMATION:

The City has participated in group rating for workers' compensation for many years. This plan provides a group discount to the City of Sandusky for Workers' Compensation coverage in the amount of \$112,401.73 for 2006. The enrollment fee for 2006 was \$8,494. However, because of higher than normal experience, the city owes the group rating plan a contribution of \$24,435.46. Net savings by participating in the group is \$87,966.27.

BUDGET IMPACT:

The additional charge could be distributed to all departments or levied against the department(s) with the high claims. City staff is reviewing both options.

ACTION REQUESTED:

It is recommended the City Commission adopt the necessary legislation as an emergency measure and in accordance with Section 14 of the City Charter. This action would allow for the timely payment to the Group Rating Plan and allow the city to maintain membership.

If there are any questions, please contact the Finance Director.

Attachments

CC06042007

cc: Don Miears, Interim City Manager
Don Icsman, Law Director
Warrenette Parthemore, Administrative Services

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO MAKE PAYMENT TO THE NORTH CENTRAL OHIO MUNICIPAL FINANCE OFFICERS WORKERS COMPENSATION GROUP RATING PLAN; AND DECLARING THAT THIS ORDINANCE TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission authorized the City to participate in the North Central Ohio Municipal Finance Officers Association (NCOMFOA) Group Workers' Compensation Group Rating Plan by Ordinance No. 2000-193, passed on June 12, 2000; and

WHEREAS, the members of NCOMFOA adopted a pooled savings concept and for the payroll period 1/1/06 to 12/31/06 the enrollment fee was \$8,494.00 and because of higher than normal experience the City owes the plan an additional contribution of \$24,435.36; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to make the required payment within thirty (30) days of the date of the invoice (June 24, 2007) and thereby maintain membership in the Group Rating Plan; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager and/or Finance Director is authorized and directed to make payment to the North Central Ohio Municipal Finance Officers Workers' Compensation Group Rating Plan / CompManagement Incorporated in an amount **not to exceed** Twenty Four Thousand Four Hundred Thirty Five Dollars and 46/100 (\$24,435.46) consistent with the invoice for policy number 32205302 for the payroll period of 1/1/06 to 12/31/06.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City

Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

Memo

To: Don Mears, Interim City Manager
From: Kim A. Nuesse, Chief of Police
CC: Don Icsman, Law Director
Date: 6/21/2007
Re: Commission Agenda Item

Item For Consideration:

Request for an Ordinance authorizing the City Manager to enter into a Mutual Aid Contract for Police Protection with Perkins Township Police and City of Huron Police. This updated Mutual Aid Contract is necessary for the Sandusky Police Department in daily operations and interactions with neighboring police agencies. The Mutual Aid Contract, which is currently in effect, was signed in the early 1980's and has not been update since.

Budgetary Information:

This would not impact the police department budget, as there is no cost associated with this ordinance.

Action Requested:

It is requested that the proper legislation be prepared to enter into these mutual aid contracts for police protection in order to better facilitate and delineate the responsibilities and expectations of each agency for mutual aid response on a daily basis. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter due to the frequency of these activities given the current budgetary constraints of the Sandusky Police Department with staffing issues.

I concur with this recommendation:

Don Mears, Interim City Manager

Cc: Don Icsman, Law Director

Joyce Brown, City Commission Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MUTUAL AID CONTRACT WITH THE BOARD OF PERKINS TOWNSHIP TRUSTEES FOR THE INTERCHANGE AND USE OF POLICE PERSONNEL AND EQUIPMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Mutual Aid contracts are a valid public purpose and sections 737.04 and 505.43 of the Ohio Revised Code provide that a municipal corporation and a township may enter into contracts relating to the services of police departments or the use of police equipment upon any terms that are mutually agreed upon and approved by the political subdivisions respective legislative body; and

WHEREAS, each of the respective political subdivisions in the usual daily operation of the Police Department for the City of Sandusky and Perkins Township have certain police personnel and equipment which in certain situations may be inadequate to afford full and complete protection to the respective department's inhabitants and property which may necessitate the mutual sharing of their resources; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the Mutual Aid Contract which contains the terms and conditions upon which the mutual interchange of police personnel and equipment will occur; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. For the reasons set forth in the preambles hereto, this City Commission approves the form of the Mutual Aid Contract for Police Protection which is on file in the office of the Chief of Police and a copy of which is attached to this Ordinance, and the City Manager is authorized and directed to sign and deliver in the name of and on behalf of the City, the contract substantially in the form attached together with such changes thereto as are approved by the Law Director as not being materially inconsistent with this Ordinance and not substantially adverse to the City and that are permitted by Law.

Section 2. The Clerk of this City Commission is authorized and directed to furnish a certified copy of this Ordinance together with the Mutual Aid Contract for Police Protection to the Board of Perkins Township Trustees.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion

shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

MUTUAL AID CONTRACT FOR POLICE PROTECTION

This Contract is entered into this ____ day of _____ 2007, by and between the City of Sandusky and Perkins Township, political subdivisions organized and existing under the laws of the State of Ohio.

RECITALS

WHEREAS, the City Commission of the City of Sandusky, Ohio, enacted Ordinance No. _____ on the ____ day of _____, 2007, which duly authorizes the execution of this Mutual Aid Contract for Police Protection; and

WHEREAS, the Board of Perkins Township Trustees, Perkins Township, Ohio, enacted _____ No. _____ on the ____ day of _____, 2007, which duly authorizes the execution of this Mutual Aid Contract for Police Protection; and

WHEREAS, Ohio Revised Code Sections 737.04 and 505.43 authorize any municipal corporation and township in order to obtain police protection or additional police protection, or to allow its police officers to work in multi-jurisdictional drug gang, marine patrol, or career criminal task forces, to enter into contracts with one or more municipal corporations or townships upon such terms that are agreed upon, for the services of police departments or the use of police equipment within the territories of the contracting subdivisions; and

WHEREAS, it is the desire of the City of Sandusky and Perkins Township to provide for mutual assistance in the interchange and use of their police equipment and personnel within each of their territories, irrespective of the territory in which the equipment and personnel may be used, on the terms and conditions set forth herein.

NOW, THEREFORE, the City of Sandusky, Ohio and Perkins Township, Ohio, agree and contract as follows:

1. In the event that it becomes necessary to obtain police protection or to obtain additional police protection, or to allow police officers to work in multi-jurisdictional drug, gang, or career criminal task forces, the parties to this contract acting through the Police Chief for the City of Sandusky and the Police Chief for Perkins Township, or their respective designates, may each request the other to render such assistance as in the opinion of the requesting community may be required. For purposes of this Mutual Aid Contract the "requesting community" means the party requesting police assistance and the term "responding community" means the party furnishing police assistance pursuant to this Mutual Aid Contract.
2. Each party shall respond, so far as in the judgment of the official of the responding community named in paragraph 1, above, is consistent with the proper protection of its own territory, to the call of the official of the requesting community named in paragraph 1, above, for police assistance.
 - a. Any request for police assistance pursuant to this Agreement shall be made by the official named in paragraph 1 and in that official's absence, the highest ranking officer of the requesting community on duty at the time. The decision as to whether, and the extent to which, manpower and equipment is available for assistance shall be made by the highest ranking officer of the responding community on duty at the time.

- b. When police assistance is requested and furnished, radio communication among the participating units shall be established to the extent and as quickly as possible.
 - c. When police assistance is requested and furnished, the official named in paragraph 1 and in that official's absence the senior officer of the requesting party shall have full charge and authority over assisting personnel and equipment responding to the request.
 - d. Police assistance furnished by the responding community to the requesting community may be recalled at any time at the sole discretion of the official named in paragraph 1 and in that official's absence the highest ranking officer on duty at the responding community's police department.
3. There shall be no liability, responsibility or cause of action for breach of this Mutual Aid Contract between or among the parties if police assistance is denied, delayed, inadequate, or subsequently recalled, or if furnished assistance is not needed upon arrival.
4. All personnel of the responding community, in responding to a call for assistance pursuant to this Mutual Aid Contract, shall be considered to be acting within the scope of their employment while enroute to or from, and while acting within the territory of the requesting community and while acting within any other jurisdiction if engaged in fresh pursuit.
5. No charge shall be made to any party by another party for police services rendered pursuant to this Agreement. Each party shall assume the expense of loss or damage to equipment or apparatus that may occur while in the other

party's territory or while responding to the requesting community (political subdivision) pursuant to this Agreement. There shall be no reimbursement among the parties for any worker's compensation award or premium contribution assessed or unemployment compensation benefits against the employing community for injury or death of a police officer arising from any activity or service rendered pursuant to this Mutual Aid Contract.

6. Police personnel acting pursuant to this Mutual Aid Contract outside of their political subdivision may participate in any pension or indemnity fund established by their employer to the same extent as if they were acting within their subdivision, and are entitled to all rights and benefits as provided by Ohio Law.
7. To the extent that law enforcement personnel employed or furnished by a party to this Mutual Aid Contract, or either political subdivision employing such personnel which is a party to this Mutual Aid Contract, may be held liable for damages or other relief to any third party for acts or omissions occurring or arising out of providing police services pursuant to this Agreement, whether such liability arises under Ohio Revised Code Chapter 2744, common law, or any other State or Federal Statutory Law, the following rules regarding allocation of the risk of such liability shall apply:
 - a. All law enforcement personnel providing police services to the requesting community, for purposes of risk allocation of liability to third parties only, shall be deemed to be acting under the direction and control of the Chief of Police of the requesting community and the requesting community shall

assume the risk of any liability to third parties arising from the conduct, acts or omissions of the responding community's personnel.

- b. The time period during which the requesting community assumes the risk of liability to third parties for police assistance rendered pursuant to this Mutual Aid Contract shall commence at the time the police personnel arrive at the requesting community's location and report to the requesting community's Chief of Police, designate, or highest ranking officer in charge and shall end at the time the police personnel of the responding community are dismissed by the requesting community's Chief of Police, designate, or highest ranking officer in charge.
- c. Each party agrees that with respect to the rendering of any police services in which it acts as the requesting community, it will protect, indemnify, hold harmless and defend the responding community and each and every law enforcement person who has participated from and against any claim, loss, damage, cause of action, expense, attorney fees or other costs provided, however, that such duty to indemnify and defend shall not apply to the responding community and its personnel to the extent that any such personnel have acted outside the scope of lawful orders issued by the police authorities of either the requesting community or the responding community, or to the extent that any such personnel willfully and maliciously caused injury to person or property.
- d. If any requesting community challenges its duty to indemnify and defend against any claim or action, it shall within thirty (30) days after receiving

written notice of such claim or action, give written notice to the Chief of Police of the responding community that it will defend under a reservation of rights until a final determination as to whether the requesting community owes a duty to indemnify and defend under the terms of this Contract.

- e. Each party acknowledges and agrees that the responding community owes its full cooperation to the requesting community that is assuming the defense of any claim or action and that either party may bring an action for declaratory judgment in the Common Pleas Court of Erie County, Ohio, for a determination of the parties rights and responsibilities under this Mutual Aid Contract regarding the duty of the requesting community to indemnify and defend the responding community.
8. This Contract shall remain in effect for one (1) year from and after the date of execution, it shall automatically be renewed for successive one (1) year periods unless either party shall withdraw by giving notice by certified mail to the other party at least 30 days prior to expiration.
9. No modification of this Contract will be effective unless it is in writing and signed by both parties.
10. This Contract shall be binding upon and enforceable by the parties hereto, and the rights and obligations hereunder shall not be assigned.
11. This Contract contains the entire Contract between the parties and all of the terms and conditions to which the parties have agreed and supersedes all prior oral or written agreements or understandings concerning the subject matter hereof.

12. In the event any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability, shall not effect any other provision of this Contract.
13. This Contract shall be governed by and construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the City and the Township have caused this Contract to be executed by the respective proper officers and officials of the City and Township thereunto duly authorized of the day and year first above mentioned.

SIGNATURE PAGES TO FOLLOW

This Agreement may be amended by the parties only by a written agreement signed by both parties.

WITNESSES:

CITY OF SANDUSKY:

James L. (Don) Mears
Interim City Manager

WITNESSES:

PERKINS TOWNSHIP:

Approved as to Form:

Donald C. Icsman
Law Director
City of Sandusky

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CIRCUIT RIDER MANAGEMENT GROUP OF GRANVILLE, OHIO, FOR ASSISTANCE IN THE RECRUITMENT AND SELECTION OF A NEW CITY MANAGER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission has determined the need for professional assistance in the selection of Sandusky's next City Manager and after careful review and consideration have selected Circuit Rider Management Group to provide consulting services consistent with their written proposal; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the agreement to be signed at the earliest possible time and enable the consultant to maintain the projected timeline; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the form of the agreement and authorizes and directs the City Manager to execute the agreement on behalf of the City substantially in the same form as reflected in Exhibit "A" which is attached and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the purpose of this Ordinance as set forth in the preambles hereto.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is

hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: