

6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda

Monday, January 4, 2021

COUNCIL CHAMBERS

29 MACK AVENUE

Shelby, Ohio

7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from December 21, 2020

Moved _____ 2ND _____

Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub—Did not meet

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as needed or not needed for any municipal purpose

Exterior Property Maintenance—59 West Main Street

Legislation

ORDINANCE NO 1-2021

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved _____ 2ND _____

Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO 2-2021

**ENACTING CHAPTER 216 (CREDIT CARD POLICY) OF
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

1ST READING

Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO 3-2021

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY
TO ENTER INTO CONTRACTS WITH THE FRATERNAL
ORDER OF POLICE #180, SARGEANTS, CAPTAINS,
PATROL OFFICERS, AND DISPATCHERS, AND
DECLARING AN EMERGENCY**

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO. 1 -2021
(Sponsor – Councilmember Gates)

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for members of Council whose terms begin in 2022; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 258 be amended so as to provide compensation for members of Council whose terms begin in 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

- (a) Effective January 1, 2018, through January 6, 2020, the salary for each member of City Council shall be \$7,415 annually, to be paid biweekly.
- (b) Effective January 6, 2020, through January 3, 2022, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.
- (c) Effective January 3, 2022, through January 1, 2024, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

ORDINANCE NO. 2 -2021
(Sponsors – Councilmembers Gates & Martin)

ENACTING CHAPTER 216 (CREDIT CARD POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Director of Finance and Public Record recommends that the City of Shelby acquire a credit card; and

WHEREAS, Ohio Revised Code Section 9.21 states, in part, “a legislative authority shall adopt a written policy before first holding a credit card account”; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 216 of the Codified Ordinances of the City of Shelby be enacted to adopt a credit card policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Chapter 216 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

CHAPTER 216: CREDIT CARD POLICY

216.01 GENERAL OVERVIEW.

(a) As a public institution, the City is held to a high degree of public scrutiny and accountability for its purchasing practices. Issuance of a credit card for the use of City business is a privilege, and every reasonable effort must be made to ensure that funds are used responsibly and in a manner consistent with the City's procedures, applicable laws, and ethical practices.

(b) The City recognizes that the credit card provides convenience to employees in acquiring goods and services for the City. The City also recognizes the additional risk inherent with credit card usage. Therefore, whenever a vendor will accept a City purchase order, a purchase order should be used in lieu of a City credit card.

216.02 CARD TYPE, LIMITS AND ELIGIBILITY.

(a) Card Type.

(1) The issued card will be a bank-issued credit card that will be administered by the Finance Director's office and in the name of the Finance Director and the Mayor.

(2) The card's limit, allowable purchases, and places the card can be used will be limited by this policy, other applicable City policies, and the Finance Director.

(b) Limit. The credit card limit will be set by the Finance Director.

(c) Eligibility. Any City employee, with the approval of his/her department head or appointing authority as indicated, may use City credit cards for authorized City expenditures.

216.03 CARD USAGE LIMITATIONS AND PROCEDURES.

(a) Credit cards are used to support the City's purchasing and payable processes.

(b) Card issuance is limited to employees as indicated in Section 216.02(c).

(c) Goods and services must be authorized by the department head or appointing authority before purchase.

(d) When possible, card users should take reasonable steps to obtain the best pricing.

(e) Credit cards shall be kept in the Finance Director's office. City employees must come to the Finance Director's office to sign out a credit card. A sign out sheet must be filled out including employee signature, vendor, and time of sign out of card. Card is to be returned by end of business day. Finance Director's office personnel will note time of return and initial off.

216.04 APPLICATION PROCESS.

(a) Transactions are approved for appropriateness and policy compliance by the department head or appointing authority.

(b) Appointing authorities and department heads must authorize use of a credit card by employees. Any City employee with City ID and proper identification is eligible to use City credit cards.

216.05 TRANSACTION AND RETENTION DOCUMENTATION.

(a) An original itemized receipt or equivalent documentation is required for any and all transactions and must be submitted to the City department head or appointing authority upon return of the card for purchase order processing.

(b) Transactions involving the purchase and delivery of goods must also be documented by a packing slip to validate receipt of goods and must be submitted to the City department head or appointing authority upon return of the card.

(c) If documentation is not available, an explanation must be submitted in writing for the lack of documentation. Upon review of the undocumented transaction by the Finance Director, the credit card user may be required to reimburse the City for the transaction.

216.06 MONITORING.

(a) Account statements are issued monthly by the bank to the Finance Director.

(b) Any unapproved or unauthorized transactions must be documented in writing and submitted to the Finance Director for his/her review.

216.07 UNALLOWABLE CREDIT CARD USES AND/OR PURCHASES.

(a) Alcoholic beverages/tobacco products.

(b) Construction renovations/upgrades.

(c) Controlled substances.

(d) Items or services on term contracts.

(e) Maintenance agreements.

(f) Personal items or loans.

(g) Purchases involving the trade-in of government property.

(h) Rentals (other than short term auto).

(i) Telephone related equipment or services.

(j) Cash advances.

(k) Personal purchases.

(l) Capital assets.

216.08 ALLOCATION AND APPROVAL.

(a) Transactions should be allocated to the appropriate purchase order.

(b) Transactions must be compliant and appropriate with the City's procedures.

216.09 SALES TAX.

(a) The City does not pay sales tax or use tax in Ohio or other states that have a sales tax exemption. Users of the credit card are responsible for ensuring that tax is not charged and for making reasonable attempts to recover any tax charged. They may obtain, as necessary, copies of the Blanket Certificate of Tax Exemption from the Finance Department.

(b) If sales tax is charged in error, the Finance Director's Office will send a reminder to the credit card user to reinforce the tax exemption status of the City. It is the department's responsibility to have sales tax removed from the bill.

(c) The approved credit card user will be required to reimburse the City for the unrecovered sales tax.

216.10 TRAVEL.

The use of credit card while on City business travel must follow the procedural requirements of the expense reimbursement in accordance with the City's procedures.

216.11 CARD SECURITY AND TRACKING.

(a) The credit card must always be stored in a secure place when checked out from the Finance Director's office.

(b) Personnel with access to a credit card or any documentation showing a credit card account number must protect the account number from fraud or any other inappropriate use.

(c) Card users must immediately contact the issuing bank and the appropriate department head or appointing authority if the credit card is lost or stolen. Local police should be notified as appropriate.

(d) While in possession of the credit card, the user is responsible for card usage and for preventing fraud.

216.12 CONDUCT AND CONSEQUENCES.

(a) All purchases made with a credit card must be for official City business only. Personal use is strictly prohibited.

(b) Disciplinary actions for inappropriate use or policy infractions can result in disciplinary action, including termination, depending on the severity of the action.

(c) Personal or fraudulent use of a credit card may result in corrective action up to and including termination and/or criminal action. In addition, the City will seek restitution for any inappropriate charge.

(d) Failure to return the credit card immediately upon returning to work can result in disciplinary action as indicated in division (b) of this section including revocation of credit card privileges.

(e) All personal or fraudulent use of a credit card is the sole responsibility of the card user and not the responsibility of the Finance Director, appointing authority, or department head.

216.13 TRANSACTION DISPUTES.

The credit card user is responsible for resolution of any disputed charges. If the credit card user is unable to reach an agreement with the supplier, a formal dispute must be filed with the bank within 60 days of the statement date.

216.14 CREDIT CARD ISSUANCE, REISSUANCE, CANCELLATION, AND REPORTING OF LOST OR STOLEN CARD.

All above transactions will be handled through the credit card issuer and the Finance Director.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 3 -2021
(Sponsor – Councilmember Martin)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE FRATERNAL ORDER OF POLICE #180, SARGEANTS, CAPTAINS, PATROL OFFICERS, AND DISPATCHERS, AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the Fraternal Order of Police #180 as the bargaining representatives for certain employees of the Police Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor is hereby authorized and directed to enter into agreement(s) with the Fraternal Order of Police #180 on behalf of certain employees of the Police Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

Section 4: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: That this Ordinance is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council


APPROVED: _____

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law