

CITY OF FOSTORIA, OHIO

Ordinance No.: ²⁰²⁰ 2019- 04
Introduced by: Lake
Requested by:

AN ORDINANCE

Amending section 121.01 of the Codified Ordinances of the City of Fostoria, Ohio.

WHEREAS, the Law and Ordinance Committee has met in a meeting open to the public and has proposed an amendment to section 121.01 of the Codified Ordinances of the City of Fostoria, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Codified Ordinances of the City of Fostoria, Ohio be, and the same hereby is, amended by adding language to section 121.01, of Chapter 121, "COUNCIL MEETINGS", which shall read as follows:

121.01 COUNCIL MEETINGS

Regular meetings of Council shall be held on the first and third Tuesday evening of each month. The hour of the meetings shall be at 6:00 p.m. However, when either the first or third Tuesday of any month falls on a legal holiday, as defined by Ohio R.C. 1.14, Council shall meet in regular session on the next day following that holiday.

(A) Special Meetings Special meetings may be called by the Mayor or any three members of Council upon at least twelve-hour notice to each member, served personally or left at his/her usual place of business.

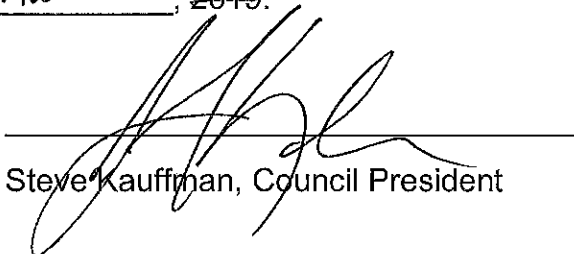
(B) Place of Meetings The regular and special meetings shall be held in the Council Chamber of the City Building, except where circumstances may require the meetings to be held at an alternate location, in which case due public notice shall be given concerning the location.

(C) Time Limits If an individual is placed on the council agenda, they will have ten minutes to speak. All other public comments will be held to three minutes.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

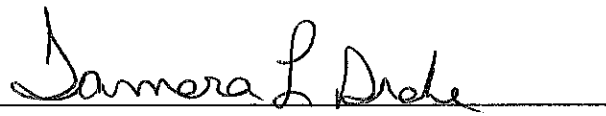
SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

Passed this 21st day of JAN, ²⁰²⁰2019.



Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 21st day of January, ²⁰²⁰2019.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: ²⁰²⁰ 2019- 02
Introduced by: Shaw
Requested by:

AN ORDINANCE

Amending section 111.01 of the Codified Ordinances of the City of Fostoria, Ohio.

WHEREAS, the Law and Ordinance Committee has met in a meeting open to the public and has proposed an amendment to section 111.01 of the Codified Ordinances of the City of Fostoria, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Codified Ordinances of the City of Fostoria, Ohio be, and the same hereby is, amended by adding language to section 111.01, of Chapter 111, "REQUESTS FOR AND ESTABLISHING FEES FOR COPIES OF PUBLIC RECORDS OF THE CITY", which shall read as follows:

111.01 REQUESTS FOR AND ESTABLISHING FEES FOR COPIES OF PUBLIC RECORDS OF THE CITY.

(A) *Policy.* The City of Fostoria, Ohio shall comply with Section 149.43 of the Ohio Revised Code as well as any amendments made thereto from time to time. It is the policy of the city that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the city to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

(B) *Public records.*

(1) The city, in accordance with the Ohio Revised Code, defines records as including the following: Any document - paper, electronic (including, but not limited to, email), or other format - that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the city are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

(2) It is the policy of the city that, as required by state law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

(3) Nothing in this section shall require a city official or employee to search for or create records containing selected information.

(C) *Record requests.* Each request for public records should be evaluated for a response using the following guidelines:

(1) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

(2) The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. It is the city's general policy that this information is not to be requested.

(3) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

(4) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, and the like. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

(5) All requests for public records must either be satisfied or be acknowledged in writing by the city within three business days following the city's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following: an estimated number of business days it will take to satisfy the request; an estimated cost if copies are requested; and any items within the request that may be exempt from disclosure.

(6) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

(D) *Costs copies of public records.*

(1) Photocopies of public records made pursuant to a public records' request will be charged at the city's actual photocopying cost which is currently \$.05 per page for single-sided (8½" x 11") copies or \$.08 per page for duplex (double-sided 8½" x 11") copies, except for those records maintained by the Police and Fire Divisions where the cost will be \$.10 per page for 8½" x 11" single-sided copies. The photocopying cost(s)

shall be reviewed semi-annually and if necessary, the per page copying costs shall be adjusted dependent upon the change to the actual cost for photocopying. Requests for public documents on other media types, such as large paper or other media type(s), will be charged based on the actual cost to the city to duplicate. Labor costs will not be used in considering the amount charged. Nothing in this section shall require city officials to charge or collect a fee for providing written information to any person or shall be construed to limit the discretion of any department or division head to waive fees customarily charged for copies of documents. The charge for downloaded computer files to a compact disc is \$1 per disc. There is no charge for documents e-mailed. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies. The Finance Director is charged with accepting these fees.

(2) If the city estimates that a request for copying public records will exceed 200 pages or \$10, the requester must provide advance payment of the estimated cost, from which the actual cost will be debited. If the actual cost exceeds the estimated cost already paid, the city will bill the requester for the remaining amount. If the actual cost is less than the estimated cost already paid, a refund will be issued to the requester in the amount of excess payment made.

(3) If the requester refuses or cannot pay the estimated cost in advance, the city will provide the requester with the opportunity to inspect the responsive records free of charge.

(E) *Electronic mail (e-mail).*

(1) Documents in electronic mail (e-mail) format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

(2) Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the city are instructed to retain their emails that relate to public business and to copy them to their business email accounts and/or to the department's records' custodian.

(3) The records custodian for each office is to treat the emails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

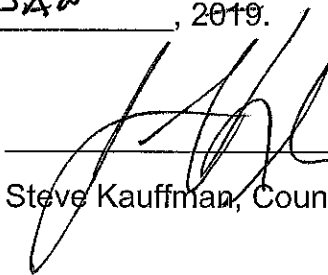
(F) *Failure to respond to a public records request.* The city recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the city's failure to comply with a request may result in a court ordering the city to comply with the law and to pay the requester attorney's fees and damages.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open

meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

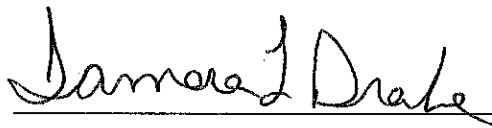
SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

Passed this 21 day of Jan, ²⁰²⁰2019.



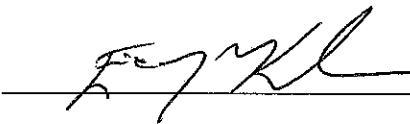
Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 21st day of January, ²⁰²⁰2019.



Eric J. Keckler, Mayor

Ordinance No.: ²⁰²⁰ 2019-03
Introduced by: Logsdon
Requested by:

AN ORDINANCE

Amending section 165.01 of the Codified Ordinances of the City of Fostoria, Ohio.

WHEREAS, the Law and Ordinance Committee has met in a meeting open to the public and has proposed an amendment to section 165.01 of the Codified Ordinances of the City of Fostoria, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Codified Ordinances of the City of Fostoria, Ohio be, and the same hereby is, amended by adding language to section 165.01, of Chapter 165, "RESIDENCY REQUIREMENT", which shall read as follows:

165.01 RESIDENCY REQUIREMENT

The requirements and exceptions of Ohio Revised Code (ORC) 9.481 shall apply.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

Passed this 21st day of Jan, ²⁰²⁰ 2019.

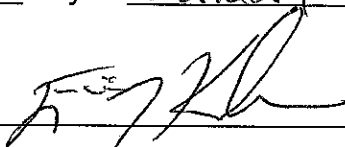

Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 21st day of January, ²⁰²⁰~~2019~~.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO
Ordinance No.: ²⁰²⁰ 2019 - 04
Introduced by: Cassidy
Requested by:

AN ORDINANCE

Authorizing taking all steps necessary to join Northeast Ohio Public Energy Council's Electricity Aggregation Program.

WHEREAS, this Council previously enacted legislation authorizing the City of Fostoria ("City") to establish an electricity aggregation program pursuant to Section 4928.20, Ohio Revised Code (the "Electricity Aggregation Program"), for the residents, businesses and other electric consumers in the City, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, the City of Fostoria, Ohio has joined the Northeast Ohio Public Energy Council ("NOPEC"), a not for profit regional council of governments, to participate in NOPEC's natural gas aggregation program for the City's eligible natural gas consumers; and

WHEREAS, this Council believes it would be in the best interest of the residents, businesses and other electric consumers in this City to join NOPEC's electricity aggregation program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. This Council hereby authorizes the City to take all steps necessary to join NOPEC's electric aggregation program.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

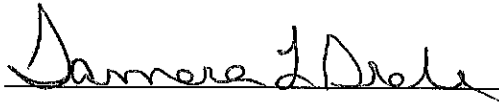
SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

Passed this 21st day of Jan., ²⁰²⁰~~2019~~.




Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 21st day of January, ²⁰²⁰~~2019~~.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2019-05
Introduced by: Lalle
Requested by:

AN ORDINANCE

Approving the Plan of Operation and Governance for the NOPEC electricity aggregation program, for the purpose of jointly establishing and implementing an electricity aggregation program and declaring an emergency.

WHEREAS, this Council previously enacted legislation authorizing the City of Fostoria ("City") to establish an electricity aggregation program pursuant to Section 4928.20, Ohio Revised Code (the "Electricity Aggregation Program"), for the residents, businesses and other electric consumers in the City, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Northeast Ohio Public Energy Council, the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electricity deregulation through group purchasing efforts; and

WHEREAS, this Council, pursuant to Section 4928.20, Ohio Revised Code, has held two (2) public hearings on the Plan of Operation and Governance for the NOPEC Electricity Aggregation Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FOSTORIA, COUNTIES OF HANCOCK, SENECA AND WOOD, AND STATE OF OHIO, THAT:

SECTION 1. This Council hereby approves and adopts the Plan of Operation and Governance of the NOPEC Electricity Aggregation Program (in the form presented to this Council and on file with the Clerk).

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by NOPEC.

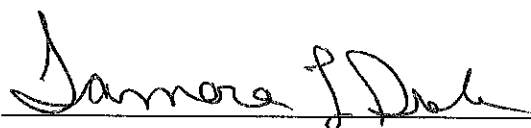
THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this 21st day of JAN, ²⁰²⁰2019.



Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 21st day of January, ²⁰²⁰2019.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Resolution No. ~~2019-~~²⁰²⁰ 06
Sponsored by: Snader
Requested By: Director of Finance

A RESOLUTION

A Resolution updating the Investment by Depository Policy in accordance with ORC Chapter 135, and declaring an emergency to exist.

BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. The Council of the City of Fostoria, Ohio hereby mandates that the investing authority of the City shall reside with the Director of Finance in accordance with this investment policy. This policy is designated to cover all monies under the control of the Director of Finance. This policy is made in accordance with ORC Chapter 135.

Purpose

The purpose of this investment policy is to establish priorities and guidelines regarding the investment management of the City of Fostoria's interim monies (as defined in Section 135.14 of the Ohio Revised Code) or other such funds as designated by the investing authority. Such priorities and guidelines are based upon eligible investments pursuant to Section 135.14 of the Ohio Revised Code (ORC), and prudent money management.

Objectives and Guidelines

The City's investment portfolio is designed and managed in a manner responsive to the public trust and consistent with state and local statutes. Investments are made based on the following list of objectives:

- 1) Compliance with all Federal and State laws
- 2) Safety and security of City of Fostoria funds and investments
- 3) Preservation of capital and protection of principal
- 4) Maintenance of sufficient liquidity to meet operating needs
- 5) Diversification of investments to avoid unreasonable or avoidable risks

Delegation of Authority and Authorized Investments

In accordance with the City Charter Article 5, Section 5.02, the Director of Finance shall be the chief fiscal officer of the City and shall perform the powers, duties, and functions now or hereafter given to City Auditors by the Charter and the general laws of Ohio.

The City of Fostoria is generally restricted to investing in certificates of deposit, savings accounts, money market accounts, the State Treasury Asset Reserve (STAR Ohio), obligations of

the State of Ohio, and obligations of the United States government or certain agencies thereof. The City is authorized to invest in any instrument or security outlined in ORC 135.14, as amended. All investment transactions will be completed on a competitive basis by the Director of Finance, whenever possible.

The City Auditor/Director of Finance is limited to the above investment instruments unless the annual mandated investment training has been completed and filed with the Auditor of State of Ohio, and all aspects of investing fall within the provisions of the ORC 135.

The City Auditor/Director of Finance is required to file annually with the Auditor of State of Ohio to report exemption of mandated investment training, or to report required investment training if applicable.

Diversification Guidelines

The City Auditor/Director of Finance should normally seek to diversify its investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

Maturity and Duration Limits

The maximum maturity of any eligible instrument is 5 years unless matched against a specific liability as per the ORC 135.

Depository and Investment Portfolio Management

Banking relationships will be managed in order to secure adequate services while minimizing costs. Deposit accounts should be concentrated as much as is practical, except where audit control consideration dictate otherwise.

The investment portfolio shall remain sufficiently liquid to enable the City Auditor/Director of Finance to meet reasonable anticipated operating requirements.

Investments shall be made with the exercise of that degree of judgement and care, and discretion; considering the probable safety of capital, as well as the probable income to be derived.

Internal Controls and Reporting

The City Auditor/Director of Finance shall keep record of any and all transactions when making changes to the investment portfolio, including all supporting documentation.

The City Auditor/Director of Finance shall report to Finance Committee of Council at designated intervals or upon request about the portfolio and transactions during the period.

SECTION 2. It is found and determined that all formal actions of this Council concerning

and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare. The reason for such emergency lies in the fact that said investment policy be filed with the Auditor of the State of Ohio.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council and signature by the Mayor, this Resolution shall go into immediate force and effect.

Passed this 21st day of JAN, 2020, 2019.

ATTEST:

Tamara L. Drake
Tamara L. Drake, Clerk of Council

Steve Kauffman
Steve Kauffman, Council President

Filed with me and approved by me this 21st day of January, 2020, 2019.

Eric J. Keckler
Eric J. Keckler, Mayor