

6:30pm Service & Development Committee

Shelby City Council Agenda
Monday, July 5, 2011
COUNCIL CHAMBERS
5 WATER STREET
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Dispense with Reading of Journal from June 20, 2011

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Public Comment

Reports from Standing and Special Committees

Finance Committee—Steve Schag

Service & Development Committee—Harold Shasky

Reports of City Officials

Marilyn S. John—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF SALLY HOWERTON TO THE SHADE TREE COMMITTEE

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Robert Lafferty—Director of Finance

R. Lee Shepherd—Law Director

Joe Gies—Project Coordinator

Aaron Wiegand—Community & Economic Development Coordinator

Unfinished Business

Mickey Road Sanitary Sewer
Railroad Grade Crossing Inspections
Declaring property a nuisance
Redraw of Ward Lines—ORC 731.06

New Business

Legislation

**ORDINANCE NO 13-2011 PROPOSING AN AMENDMENT TO SECTION 8 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH
PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**ORDINANCE NO 17-2011 DECLARING THE NECESSITY OF LEVYING AN ADDITIONAL
ONE-QUARTER (1/4) PERCENT INCOME TAX FOR THE
PURPOSE OF MAINTAINING STREETS, ALLEYS, AND
SIDEWALKS**

3RD READING

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

AMENDED ORDINANCE NO 19-2011

**PROPOSING AN AMENDMENT TO SECTION
13 OF THE CHARTER OF THE CITY OF
SHELBY AND SUBMITTING SUCH
PROPOSED AMENDMENT TO THE
ELECTORS**

1ST READING

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

AMENDED ORDINANCE NO 20-2011

**AMENDING SECTION 220.03 (MEMBERSHIPS) OF
CHARTER 220 (COUNCIL) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

3RD READING

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 21-2011 ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SHELBY, OHIO

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 22-2011 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A STATE OF OHIO DEPARTMENT OF TRANSPORTATION BRIDGE LOAD RATING PROGRAM

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 23-2011 DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 24-2011 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE TITLE TO PARCELS OF REAL ESTATE IN CONJUNCTION WITH THE CITY OF SHELBY FEMA-DR-1720.10R-OH HAZARD MITIGATION GRANT PROGRAM

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Miscellaneous business
Date to visit Council Chambers in Willard and Ontario

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

CITY OF SHELBY

SHELBY, OHIO 44875

MARILYN S. JOHN, MAYOR
R. LEE SHEPHERD, DIRECTOR OF LAW
ROBERT A. LAFFERTY, DIRECTOR OF FINANCE

CITY HALL
43 W. MAIN STREET
419-347-5131
Fax 419-347-1193

INCOME TAX OFFICE
43 W. MAIN STREET
419-342-5885
FAX 419-347-1193

APPOINTMENT OF MEMBER
SHADE TREE COMMITTEE
CITY OF SHELBY, OHIO

I, Marilyn S. John, Mayor of the City of Shelby, Ohio, do hereby this 20th day of June, 2011, appoint

Sally Howerton

to serve on the

SHADE TREE COMMISSION

for the term beginning on the _____ day of _____, 2011.

Marilyn S. John, Mayor

The above appointment was confirmed by City Council on the _____ day
of _____, 2011.

Robert A. Lafferty, Director of Finance and
Public Record

st Reading
6/6/11

ORDINANCE NO. 13-2011
(Sponsor - Councilmember Shepherd)

PROPOSING AN AMENDMENT TO SECTION 8 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922, and;

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City, and;

WHEREAS, the Charter contains no authority for the casting of a vote by the presiding officer of Council even though Rule 7 (Voting) of Section 220.01 (Rules of Order; Meetings) of Chapter 220 (Council) authorizes the presiding officer to vote in the event of a tie, 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 a proposed amendment to Charter Section 8 be passed and submitted to the electors of the City of Shelby so that the presiding officer of Council shall cast a vote in the event of a tie, and;

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

Section 1: That there be submitted to the electors of the City at the election to be held on Tuesday, November 8, 2011, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 8 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 8: The council shall be the judge of the election and qualification of its members. A majority of all the members elected shall be a quorum to do business but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members of the council shall be necessary to adopt any ordinance or resolution and on the passage thereof a vote shall be taken by "yeas" and "nays" and entered upon the journal. ~~IN THE EVENT OF A TIE VOIE, THE PRESIDING OFFICER OF COUNCIL SHALL VOTE TO BREAK THE TIE.~~ The council shall determine its own rules and order of business and shall keep a journal of its proceedings. All meetings of the council or committees thereof shall be conducted in accordance with State law commonly known as "The Open Meetings Act", and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

**PROPOSED CHARTER AMENDMENT
CITY OF SHELBY**

A Majority Affirmative Vote is Necessary for Passage

The proposed amendment to Section 8 of the Shelby Charter establishes a voting procedure whereby the presiding officer of City Council (the Mayor) shall be authorized to cast a vote in the event that the vote of City Council (on any issue requiring a vote) results in a tie

1st Reading
6/14/2011
2nd Reading
6/20/2011

ORDINANCE NO 17-2011
(Sponsor - Councilmember Gates)

DECLARING THE NECESSITY OF LEVYING AN ADDITIONAL ONE-QUARTER (1/4) PERCENT INCOME TAX FOR THE PURPOSE OF MAINTAINING STREETS, ALLEYS, AND SIDEWALKS.

WHEREAS, the City of Shelby needs to maintain streets, alleys, and sidewalks so as to keep them passable and to promote free travel and commerce within the boundaries of the City of Shelby, and

WHEREAS, it has been determined by the Council of the City of Shelby that it is necessary to maintain streets, alleys, and sidewalks and that it be funded by an additional one-quarter (1/4) percent income tax and that the proceeds of that said tax be used for street rehabilitation and repair, alley rehabilitation and repair, catch basin repair and replacement (97%) and sidewalk replacement (3%), and

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

Section 1: That it is necessary to levy an additional one-quarter (1/4) percent income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby and for the specific purpose of maintaining streets, alleys and sidewalks.

Section 2: That such additional one-quarter (1/4) percent income tax shall be expended for street rehabilitation and repair, alley rehabilitation and repair, catch basin repair and replacement (97%) and sidewalk replacement (3%).

Section 3: That such additional one-quarter (1/4) percent income tax for maintaining streets, alleys, and sidewalks shall be imposed upon all income taxable by the City of Shelby only if approved by the majority of electors of the City of Shelby pursuant to Section 718 01 of the Ohio Revised Code

Section 4: That if the additional one-quarter (1/4) percent income tax is approved by the electors of the City of Shelby, said additional one-quarter (1/4) percent shall be levied upon income taxable by the City of Shelby for a period of five (5) years from January 1, 2012 through December 31, 2016.

Section 5: That the question of levying the additional one-quarter (1/4) percent income tax shall be submitted to the electors of the City of Shelby at the general election to be held at the designated voting places within said City of Shelby on the 8th day of November, 2011

Section 6: That the Clerk of this Council be and hereby is directed to certify a true copy of the Ordinance to the Board of Elections, Richland County, Ohio as provided by the Ohio Revised Code Section 718 01 and that he shall do so at least 90 days before the general election herein mentioned.

Section 7: 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 8: 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: _____

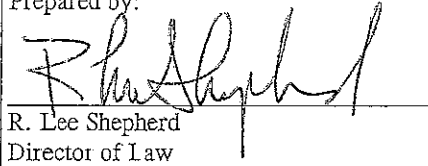
Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

AMENDED ORDINANCE NO 19-2011
(Sponsor - Councilmember Gates and Shasky)

PROPOSING AN AMENDMENT TO SECTION 13 OF THE CHARTER OF THE CITY OF
SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922, and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City, and

WHEREAS, because the current language in Section 13 of the Charter of the City of Shelby has become obsolete over the passage of time, it is in the interest of the public, health, safety, morals, and general welfare of the citizens of Shelby that said section be amended, and

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

Section 1: That there be submitted to the electors of the City at the election to be held on Tuesday, November 8, 2011, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 13 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 13: The fiscal ~~half-years~~ YEAR of the city shall begin the first day of January ~~and the first day of July, respectively~~. On or before the thirty-first day of December ~~and the thirtieth day of June in each year~~, the mayor, the director of law, and the director of finance and public record shall prepare an estimate of the expense of conducting the affairs of the city for the following half-year YEAR, ~~save and except, however, that on or before the first Monday in January, 1922, the mayor, director of law, and director of finance and public record shall prepare an estimate of the expenses of conducting the affairs of the city for the first half of the year 1922, as hereinafter provided~~, which shall be submitted to the council and upon receipt thereof, the council shall at once prepare an appropriation ordinance and pass the same on or before the ~~first Monday in January, 1922~~ THIRTY-FIRST DAY OF MARCH. This estimate shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the director of finance and public record, and shall set forth:

- (a) an itemized estimate of the expense of conducting each department;
- (b) comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year;
- (c) reasons for proposed increases or decreases in such items of expenditure compared with the current fiscal year;
- (d) a separate schedule for each department showing the things necessary for the department to do during the year and which of any desirable things it ought to do if possible;

- (e) items of pay roll increases as either additional pay to present employees, or pay for more employees;
- (f) an itemization of all anticipated revenue from sources other than the tax levy;
- (g) the amounts required for interest on the City's debt, and for sinking funds as required by law
- (h) the total amount of the outstanding City debt with a schedule of maturities of bond issues;
- (i) a statement from the Director of Finance and public record of the total probable income of the City from taxes for the period covered by the Mayor's estimate;
- (j) such other information as may be required by the Council.

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose thereof

**PROPOSED CHARTER AMENDMENT
CITY OF SHELBY**

A Majority Affirmative Vote is Necessary for Passage

The proposed amendment to Section 13 of the Shelby Charter eliminates a fiscal requirement which has become obsolete over the passage of time.

SHALL SECTION 13 OF THE SHELBY CHARTER BE AMENDED?	YES NO
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Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 8, 2011

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Election no later than 4:00 p m. on the ninetieth day prior to the date of election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of election

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2012.

Section 7: 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 8: 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 L. Schag
Vice President of Council

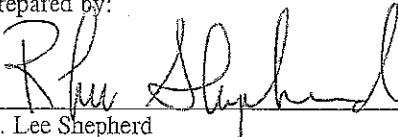
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

1st Reading
6/6/2011
2nd Reading
6/20/2011

AMENDED ORDINANCE NO. 20-2011
(Sponsor - Councilmember Gates and Hoover)

AMENDING SECTION 220.03 (MEMBERSHIPS) OF CHARTER 220 (COUNCIL) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 220.03 of the Codified Ordinances of the City of Shelby be amended and updated, and

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

Section 1: That Section 220.03 of the Codified Ordinances of the City of Shelby be amended to read as follows:

SECTION 220.03 MEMBERSHIPS

- (a) No monies shall be expended for organizational memberships unless authorized by Council
- (b) The following organizational memberships are hereby authorized:
 - (1) On behalf of the City of Shelby, Greater Mansfield Area Safety Council, Ohio Municipal League, Richland County Regional Planning Commission, Richland Community Development Group, and Ohio Utilities Protection Service;
 - (2) On behalf of the Mayor, Mayors Association of Ohio;
 - (3) On behalf of the Director of Finance and Public Record, Ohio Municipal Treasurers Association, Municipal Finance Officers Association, and Governmental Financial Officers Association;
 - (4) On behalf of the Police Department, Ohio Association of Chiefs of Police, ALERI (Pursuit Instructor), International Association of Chiefs of Police, Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOLEN), and Richland County Police Chiefs' Association;
 - (5) On behalf of the Fire Department, Ohio Fire Chiefs' Association, International Association of Fire Chiefs, National Fire Protection Association, and Richland County Fire Chiefs' Association;
 - (6) On behalf of the Division of Electricity and Telecommunications, American Public Power Association, American Municipal Power, Inc., and Ohio Municipal Electric Association;
 - (7) On behalf of the Project Coordinator, Association of State Floodplain Managers;
 - (8) On behalf of the Division of Water, Ohio Rural Water Association and American Waterworks Association;
 - (9) On behalf of the Shelby Municipal Court, those approved by the Judge;
 - (10) On behalf of the Shelby City Health District, Association of Ohio Health Commissioners; and
 - (11) On behalf of the Community and Economic Development Coordinator, Regional Manufacturing Coalition and Mansfield/Richland County Convention and Visitors Bureau.

Ordinance No. _____
Page 2

Section 2: 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 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: _____

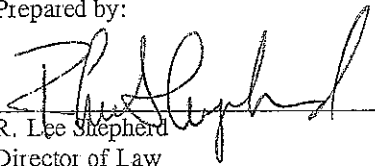
Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO 21-2011
(Sponsor - Councilmember Hoover)

ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SHELBY, OHIO

WHEREAS, it is the policy of the City of Shelby, Ohio, to invest public funds in a manner that will provide the highest investment return with maximum security, safety, and preservation of principle while meeting the daily cash flow needs of the City and conforming to applicable laws governing the investment of public funds, and

WHEREAS, it is a sound and responsible practice to adopt an investment policy which incorporates the principles set forth hereinabove, 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 an investment policy be adopted, and

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

Section 1: That the Council of the City of Shelby hereby adopts the investment policy as set forth and attached hereto.

Section 2: That the Director of Finance and Public Record is hereby charged with the responsibility of the implementation of and compliance with the investment policy.

Section 3: The investment policy is to be reviewed on an annual basis by City Council or a committee designated by City Council. Any modifications found to be necessary following said review shall be approved by City Council by amendment of the document attached hereto

Section : That all meetings and hearings concerning the adoption of this Resolution 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 : That this Resolution 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 L. Schag
Vice President of Council

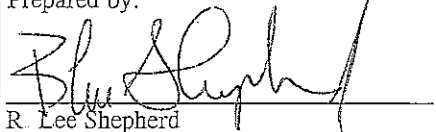
APPROVED:

AITESI: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

CITY OF SHELBY, OHIO

INVESTMENT POLICY

It is the policy of the City of Shelby, Ohio, to invest public funds in a manner that will provide the highest investment return with maximum security, safety and preservation of principal while meeting the daily cash flow needs of the City and conforming to applicable laws governing the investment of public funds by an Ohio municipality. The Director of Finance and Public Record is the investment officer for the City, charged with the responsibility for the purchase and sale of investments and the implementation of and compliance with this Investment Policy.

Scope

This Investment Policy applies to all financial assets of the City, including State and federal funds held by it, other than funds held and invested pursuant to the express terms of a trust agreement. The Director of Finance and Public Record is to routinely monitor the contents of the City's investment portfolio, the available markets and relative value of competing investments and to adjust the portfolio accordingly.

Objectives

The primary objectives, in priority order, of the City's investment activities shall be:

Safety: Safety of principal is the foremost objective of the investment program. City investments should be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity: The City's investment portfolio should remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated.

Return on Investment: The City's investment portfolio should be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account this Investment Policy and the cash flow characteristics of the portfolio.

Prudence

Investments shall be made with judgment and care -- under circumstances then prevailing -- which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by the Director of Finance and Public Record shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. Acting in accordance with this Investment Policy and exercising due diligence shall relieve the Director of Finance and Public Record of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported to the Council in a timely fashion and appropriate action is taken to control adverse developments.

Authorized Dealers and Financial Institutions

The Director of Finance and Public Record will maintain a list of financial institutions and approved securities broker/dealers, selected on the basis of creditworthiness, who are authorized to provide investment services and who qualify under Section 135.14(M)(1) of the Revised Code. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15c3-1 and are registered with the Ohio Department of Commerce to do business in the State.

All financial institutions and broker/dealers who desire to become qualified suppliers of investment transactions to the City must provide to the Director of Finance and Public Record (i) audited annual financial statements, (ii) proof of good standing with the Comptroller of Currency or with State banking regulators or Financial Industry Regulatory Authority certification, (iii) proof of Ohio registration, and (iv) biographical and regulatory information on the persons who are the primary contact with the City. All financial institutions, broker/dealers, and other entities who desire to conduct investment business (advice, recommendations or transactions) with the City must sign this Investment Policy, acknowledging that they have read it, understand it, and, in the case of those initiating transactions, agree to abide by its contents.

Authorized Investments

The City is authorized by statute to invest in the following types of securities and investments.

1. United States Treasury bills, notes, bonds or any other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States (not including "stripped principal or interest obligations).
2. Bonds, notes, debentures, or other obligations or securities issued by any federal government agency or instrumentality, including but not limited to the Federal National Mortgage Association, Federal Home Loan Bank, Federal Farm Credit Bank, Federal Home Loan Mortgage Corporation, Government National Mortgage Association and Student Loan Marketing Association. All such securities must be direct issuances of federal government agencies or instrumentalities and may not be stripped principal or interest obligations.
3. Interim deposits in duly authorized depositories of the City, provided those deposits are properly insured or collateralized as required by law.
4. Bonds and other obligations of the State of Ohio.
5. No-load money market mutual funds consisting exclusively of securities described in paragraphs 1 and 2 of this Section and repurchase agreements secured by such obligations, provided all such investments under this paragraph 5 shall be made with a bank, domestic association or savings bank eligible to be a depository for public funds of Ohio subdivisions and provided further that any such fund meets the requirements of Chapter 135 of the Revised Code (including that such fund not include any investment in a "derivative").
6. Ohio Subdivision's Fund (STAROhio).
7. Overnight or term (not exceeding 30 days) repurchase agreements meeting the requirements of Section 135.14(E) of the Revised Code, with: (i) a bank, domestic association or savings bank eligible to be a depository of public funds of Ohio subdivisions or (ii) a member of the Financial Industry Regulatory Authority.

Maximum Maturities

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. No investment shall be made unless the Director of Finance and Public Record, at the time of making the investment, reasonably expects it can be held to its maturity. Unless matched to a specific obligation or debt of the City, the City will not directly invest in securities listed in paragraphs 1 through 5 above under **Authorized Investments** maturing more than five years from the date of settlement if such securities bear interest at a fixed rate, and it will not directly invest in such securities maturing more than two years from the date of settlement if they bear interest at a variable rate.

Safekeeping and Custody

All securities transactions, including securities acquired subject to repurchase agreements, entered into by the City will be conducted on a delivery-versus-payment basis. Purchased securities shall be held on behalf of the City by a custodian, designated by the Director of Finance and Public Record, that is a Federal Reserve Bank or other "qualified trustee" within the meaning of Section 135.18(I) of the Revised Code, and the safekeeping of those securities for the benefit of the City shall be evidenced by safekeeping receipts. Purchased securities may be released by the City only upon verification that their principal and interest, or proceeds of their sale, have been credited to the City's account.

Prohibited Investment Practices

In addition to any other prohibitions in the Revised Code, the City will not take any of the following actions.

1. Contract to sell securities that have not yet been acquired on the speculation that prices will decline.
2. Make any investment in "derivatives" as defined in Section 135.14(C) of the Revised Code.
3. Invest in a fund established by another public body for the purpose of investing public money of other subdivisions except either: (a) STAROhio, or (b) a fund created solely from the purpose of acquiring, constructing, owning, leasing or operating municipal utilities as authorized under Revised Code Section 715.02 or Section 4 of Article XVIII of the Ohio Constitution.
4. Enter into reverse repurchase agreements.
5. Leverage current investments as collateral to purchase other assets.
6. Invest in stripped principal or interest obligations of otherwise eligible obligations.

Internal Controls

The Director of Finance and Public Record shall develop and maintain procedures for the operation of the City's investment program in accordance with this Investment Policy. These procedures shall be designed to prevent loss of the City's funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions.

Records and Reporting

The Director of Finance and Public Record shall maintain a current inventory of all investments including:

- Description of each security
- Cost
- Par value
- Dates (beginning, settlement and maturity)
- Rates
- Seller

The Director of Finance and Public Record shall also prepare and distribute to Council semiannually (or more frequently if requested by the Council) a list of all investments and a report on investment activity and returns

Education

The Director of Finance and Public Record may, and is authorized to, participate in any beginning and/or continuing education training programs sponsored by the State Treasurer or the State Auditor in which the Director of Finance and Public Record is required to participate pursuant to Sections 117.44 and 135 22 of the Revised Code. Through participation in those programs, the Director of Finance and Public Record will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

Ethics and Conflict of Interest

Persons involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment consultants shall disclose to the City any material financial interests in financial institutions that conduct business within the City and any large personal financial or investment positions that could be related to, or affected by, the performance of the City's portfolio. All employees, officers and investment consultants to the City shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales.

The above supplements the applicable provisions of the Ohio ethics laws.

Non-Binding Arbitration

The Director of Finance and Public Record may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration (but not binding arbitration) to settle any controversy that may arise out of that agreement so long as such provision meets the requirements of the Revised Code and is specifically approved by the Council.

Investment Policy Adoption and Revision

This Investment Policy is to be adopted by the Council. This Policy is to be reviewed on an annual basis by the Council or a committee designated by it. Any modifications of this Policy must be approved by the Council. This Investment Policy, and any modifications thereof, may, but need not be, filed with any State office or agency.

Adopted: _____

ACKNOWLEDGEMENT

_____ hereby acknowledges that (i) it has received a copy of the Investment Policy to which this Acknowledgement is attached and (ii) appropriate officers and employees have read it and understand it, and agrees that, if it enters into investment transactions with the City, it will abide by this Investment Policy and the relevant provisions of the Revised Code in its dealings with the City. It also acknowledges that it understands that binding arbitration provisions are not permitted and that any nonbinding arbitration provisions governing its relationship with the City must be expressly approved by the Council. The officer signing this Acknowledgement is authorized to do so on its behalf.

Date: _____

By: _____
Title: _____

RESOLUTION NO. 22-2011
(Sponsor - Councilmember Shaksy)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A STATE OF OHIO DEPARTMENT OF TRANSPORTATION BRIDGE LOAD RATING PROGRAM

WHEREAS, to be eligible for Federal funding for the replacement of bridges, they must be load rated, and

WHEREAS, the State of Ohio through the Ohio Department of Transportation (ODOT) administers funding from the Federal Highway Administration for load rating of bridges, 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 the Mayor as Director of Public Service for the City of Shelby be authorized to apply for a Bridge Load Rating Program grant, and

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

Section 1: That the City of Shelby approves an application for financial assistance for the fund of load rating several bridges located in the City of Shelby through the Ohio Department of Transportation.

Section 2: That the Mayor as Director of Public Service is hereby authorized and directed to execute and file an application with the Ohio Department of Transportation and provide all documentation required to become eligible for possible funding assistance.

Section : That all meetings and hearings concerning the adoption of this Resolution 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 : That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

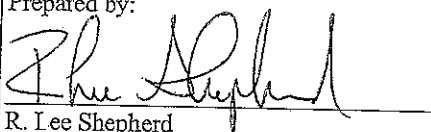
Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO. 23-2011
(Sponsor – Councilmembers Gates, Hoover and Shasky)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 and 5705.26;

WHEREAS, in order for the Shelby Department of Health to maintain a standard of excellence and in order for the Department to provide general health service to the community, additional funding is required, and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby Department of Health, and

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law, to wit: Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26 on taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Department of Health that taxes be levied on the taxable property in said city for a period of five (5) years 2012 – 2016 at a rate in excess of such maximum rate authorized by the Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes for the years 2012, 2013, 2014, 2015, and 2016 at the rate for each year of 9 mills on each dollar of the tax, valuation of the taxable property within the City of Shelby, Ohio, in excess of the rate authorized by said O R C §§5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That the Clerk of Council shall be and is hereby directed to certify a copy of this resolution and other necessary documents to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such question to the electors of said City as provided by law, at the November 8, 2011 general election

Section 5: That all meetings and hearings concerning the adoption of this Resolution 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 6: That this Resolution 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 L. Schag
Vice President of Council

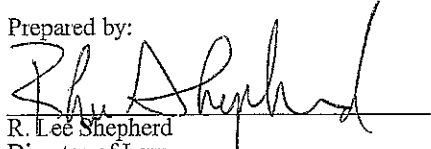
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO. 24-2011
(Sponsor - Councilmember Shasky)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE TITLE TO PARCELS OF REAL ESTATE IN CONJUNCTION WITH THE CITY OF SHELBY FEMA-DR-1720.10R-OH HAZARD MITIGATION GRANT PROGRAM

WHEREAS, the City of Shelby, Ohio has applied for and been approved to receive a Hazard Mitigation Grant from the Federal Emergency Management Agency (FEMA) for the acquisition of properties in the City of Shelby, Ohio, and

WHEREAS, in order to proceed with and finalize the mandate of the Hazard Mitigation Grant, the City of Shelby must purchase and take title to certain properties within the City of Shelby, Ohio, 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 the Mayor as Director of Public Service be authorized to acquire title to parcels of real estate in conjunction with the Hazard Mitigation Grant, and

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

Section 1: That the Mayor, as Director of Public Service be authorized to acquire title to parcels of real estate in conjunction with the FEMA-DR-1720.10R-OH Hazard Mitigation Grant Program within that portion of Sharon Township which is located within the City of Shelby, Richland County, Ohio, said properties as identified by the following Richland County Parcel ID numbers and address:

Parcel ID numbers:

046-08-220-51-000	143 N. Gamble Street
046-08-008-07-000	154 Leslie Lane
046-08-145-14-000	156 Leslie Lane
046-08-102-08-000	158 Leslie Lane
046-08-007-07-000	161 Leslie Lane
046-08-081-18-000	31 Mohican Street
046-08-125-16-000	150 Leslie Lane
046-08-145-01-000	160 Leslie Lane
046-08-024-07-000	11 Maple Avenue
046-08-150-15-000	152 Leslie Lane

Section 2: That all meetings and hearings concerning the adoption of this Resolution 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 3: That this Resolution 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 L. Schag
Vice President of Council

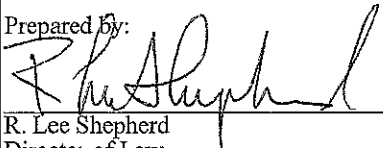
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law