1. Updated Agenda

   Documents:

   20200303.PDF

1.1. Updated Workbook

   Documents:

   03-03-2020 WORKBOOK 1.PDF
MIDDLETOWN CITY COUNCIL AGENDA
TUESDAY, March 3, 2020

CITY COUNCIL WORKSESSION – 5:00 PM – CONFERENCE ROOM 2C – SECOND LEVEL

CITY COUNCIL BUSINESS MEETING – 5:30 PM – COUNCIL CHAMBERS – LOWER LEVEL

MOMENT OF MEDITATION/PLEDGE OF ALLEGIANCE TO THE FLAG/ ROLL CALL

STUDENT ATHLETE RECOGNITION
Cheikh Fall - Eastern Kentucky University -for Football
Tyree Hyman - Tiffin - for Soccer
Arianna Layne - Wilmington - for Softball
Kylen McGill - Urbana - for Football
Carly Metcalf - IUPUI - for Softball

PUBLIC HEARING
2020 ANNUAL ACTION PLAN REGARDING HUD FUNDING: The City of Middletown, as directed by the U.S. Department of Housing and Urban Development (HUD), is submitting its Program Year 2020 Annual Action Plan, setting the program activities and budget for the Community Development Block Grant (CDBG) Program.

PRESENTATION
Major Steve Arrasmith, Drug Task Force 2019 Annual Report
Carolyn Tepe, 2020 Census

CITIZEN COMMENTS

CITY MANAGER REPORT

CONSENT AGENDA. . . Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote of consent. There will be no separate discussion of these items. If discussion is desired, that item will be removed and considered separately.
(a) Receive and File Board and Commission Minutes:
   Citizens Advisory Board- January 16, June 19 and December 18, 2019
   Library Board- January 21, 2020
(b) To confirm the promotional appointment of Richard Clark to the position of Public Works Leader in the Department of Public Works and Utilities, Sewer Maintenance Division.
(c) To approve the purchase a new Chevrolet Tahoe 4WD PPV off the ODAS Contract for the Division of Police in the total amount of $36,481 from Ganley Chevrolet of Aurora LLC.
(d) To approve a contract with Champion Cleaning Specialists, Inc., of Cincinnati, Ohio, in the amount of $49,780 for the cleaning of the clarifiers at the Water Treatment Plant.
(e) To approve the purchase of upfit packages for four 2020 Ford PPV Utility vehicles from Phoenix Upfitters, LLC, of Middletown, OH, in the amount of $50,520, including installation.
MOTION ITEM
   (a) To extend the DORA Hours in observance of St. Patrick’s Day, beginning at 8 a.m. until midnight on Saturday, March 14th, 2020.

COUNCIL COMMENTS

LEGISLATION

1. Ordinance No. O2020-13, an ordinance establishing a procedure for and authorizing a contract with Badger Meter, Inc. for the purchase of water meters and declaring an emergency.

2. Ordinance No. O2020-05, an ordinance designating properties located in an area generally bounded by First Avenue to the north, Verity Parkway, south-side of Woodlawn and Parkview Avenue to the West, the Pioneer Cemetery property, Cohen Brothers, Inc. and the west-side of Lamneck Street to the east and Calumet Avenue to the south as the Oakland Historic District. (Second Reading)

EXECUTIVE SESSION
Under the authority of O.R.C. 121.22 (G) (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

3. Resolution No. R2020-05, a resolution to accept the One Ohio Memorandum of Understanding between the state of Ohio and other local governments in Ohio and declaring an emergency.

EXECUTIVE SESSION
Under the authority of O.R.C. 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:
(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.
(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.
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STUDENT
ATHLETE
RECOGNITION
PUBLIC HEARING
PRESENTATION
CITIZEN
COMMENTS,
GUESTS,
ORGANIZATION’S
REPORT
CITY MANAGER REPORTS
CONSENT
AGENDA
I. Welcome and Introductions

The CAB meeting was called to order at 5:30pm. It was acknowledged to be the first meeting of the year and as such, members introduced themselves to fellow board members. Sgt. Allen was also in attendance. The Chief has encouraged his staff / officers to attend these meetings to be familiar with the Board and it’s mission.
II. Minute Approval

The minutes from the previous meeting were approved and adopted by the board.

III. Discussion

City Jail

The Chief reaffirmed the Department’s Appreciation of the Board and their activity. The meeting’s discussion, as outlined by a prior email sent to Board members, focused on the efficiency, efficacy, and long term solutions for the Middletown City Jail. The City’s jail was built in the mid-70s and was not designed for expansion. In the 1970’s - 1990’s the size and amenities of the jail were acceptable and handled up to over 100 inmates. In the last few years, the jail has been inspected by state authorities and has been found to fall below current acceptable State standards and it’s capacity will be limited to 32 inmates. The expense of the Jail can range between $1.2 million and $1.4 million per year. Standards now required by the state include seating in each cell along with bunks, an exercise room, access to daylight and fresh air, etc. Several years ago the department received a quote for standard renovations at over $1 million, and these additional requirements will add more to that amount. A solution will be needed to increase funds to support the jail, reduce costs, or close the Jail. The Jail is currently funded by the Department and no money is received by one of the main benefactors of the Jail - the Middletown City courts.

Another, the Jail’s medical doctor will begin to require any person who is assumed to be intoxicated or under the influence will need to be transported to the hospital prior to being booked into the jail. This will add additional strain on resources and impact the efficiency of the jail.

The Jail is being projected to close in 2021-2022 if a solution is not found.

The jail is mostly used for non violent offenders or for those being held and waiting on transfer to county facilities. Without the jail, offenders will need to be transported to county facilities immediately - again adding additional strain to officers and resources and requiring the hiring of part time or reserve officers to handle that load.

Corrections Officers are also in demand to handle the inmates of the Jail. The number of Corrections Officers has gone from 60 to 4.

Middletown is one of two cities that has a jail. The State sees it as a luxury and not a necessity. Other cities in the area use a “catch and release” format for handling offenders - where offenders are brought into custody and charged, and then they are released with paperwork and a court date. The city will be required to have a holding cell as other cities do for them to detain some offenders before transport to the County
or while they are being charged. It is expected that the county will provide more beds for the Department to house offenders and the County is required to receive those offenders that are charged with state code.

The ultimate decision on the future of the Jail is left to the City Council and City Manager. Keeping the jail would be the best option in the opinion of the Department, chief, officers, and courts. However, with the cost of renovations, the yearly operating costs, and the inability to meet all state required codes, the feasibility of the jail will need to be weighed.

Homeless Population
The Board also discussed the increase in the homeless population in Middletown and in the downtown area specifically. The revival of downtown has attracted homeless, panhandlers, and vandals. 152 people have been arrested that do not have a physical address. The department typically has 1 person per day that is arrested and is homeless. There are few calls of issues form the The Hope House or the Women’s Shelter as they are doing a good job helping people. Some churches in the area also take in some homeless persons.

It has been discovered that other Agencies and Departments have brought homeless persons to our city for them to use the Hope House, Shelters, SHALOM and Churches. Several homeless that officers have spoken too have described being driven to Middletown or given a travel voucher to Middletown in order to be taken in to one of the City’s homeless charities or facilities. This influx of Homeless puts a strain on the police department, the Hope House, the churches, and other shelters. It is a fear that these out of town individuals are interfering with Middletonians having access to the help and shelter they may need. The Board agreed that there will need to be a plan and strategy to combat this increase.

IV. Closing Comments
Chief Muterspaw was invited by Warren Davidson to attend the State of the Union Address given by the President in Washington D.C. Middletown has improved over the last 10 years and Mr. Davidson felt that the city and the chief should be recognized for that progress. It was agreed that it will be good recognition for our City and Chief Muterspaw was a great candidate to attend the State of the Union on the City’s behalf.
Meeting was adjourned at 6:33pm

V. Next Meeting

The next meeting will be held on March 20th, 2019 in the Police training room. Any changes to date or location will be announced by the Chair.

Prepared by:
Stefan Wannemacher
Middletown Citizens Advisory Board
Meeting Minutes
June 19th, 2019

Attendance:
Daniel Allnut
Steve Bohannon
Bill Keith
Chief Rodney Muterspaw
Jim Stabler
Enorris Thomas
Stefan Wannemacher

Location: Middletown Police Department Shooting Range

I. Welcome and Introductions

The CAB meeting was called to order at 5:40pm. Members were introduced to Sgt. Allen and other officers present.

III. Discussion

This meeting allowed CAB members to learn about and be familiar with the weapons, equipment and training officers use daily and in SWAT situations. CAB members were demonstrated several firearms as well as both new and current issue ballistic vests. CAB members were also shown the new MRAP (Mine-Resistant Ambush Protected) vehicle that was purchased to replace the previous tactical vehicle the department used.

CAB members were invited to fire the demonstrated weapons at the range.
IV. Closing Comments

Chief Muterspaw commented again on the extreme decline in officer applicants to the department as well as across the country. For example, the Chief stated that Cincinnati’s police department has seen a 60% reduction in their amount of applicants.

This coming weekend in Middletown there are many events occurring such as the PRIDE event in downtown, a “Movie in the Park” event, as well as the “Fenwick Festival.” These events have a demand for officer presence that needs to be filled along with the normal on duty patrol officers. The extra demand puts more strain on personnel and resources due to a basic lack of manpower.

Two officers will be leaving the department - Rachel Ward will be moving out of state, and Kenny Rogers will be retiring in July.

National Night Out will be held in August and CAB will be updated and have planning discussion via email.

Meeting was adjourned at 6:45pm

V. Next Meeting

The next meeting date, time, and location will be announced by the Chair.

Prepared by:
Stefan Wannemacher
Middletown Citizens Advisory Board
Meeting Minutes
December 18th, 2019

Attendance:
Daniel Allnut
Dora Bronston
Ed Dobroszi
Paul Gomia
Bill Keith
Wendy Kissel
Jerry Martin
Jim Stabler
Enorris Thomas
Stefan Wannemacher
Katrina Wilson

Location:  Middletown Police Department Training Room

I. Welcome and Introductions
The CAB meeting was called to order at 5:30pm. Members were introduced and an open member comment session was held. It was noted that this was the first meeting since the City hired a new Chief of Police as well as elected new Council Member.

II. Minute Approval
The minutes from the previous meeting were approved and adopted by the board.
III. Discussion

Chief Burke was unavailable to attend this evening’s meeting and Detective Reeve attended on his behalf. Detective Reeve discussed the state of the department as well as the goal of the new Chief to start implementing changes and improvements to the department starting in January. Two incidents of note in the department since the last meeting involved the resignation of an officer as well as the demotion of a sergeant along with the arrest of the Deputy Fire Chief of Middletown. The Deputy Chief was turned over to the State Highway Patrol in order to avoid any conflict of interest.

With discussion of the OSP, it was noted that the new Chief of the OSP has pulled most troopers from patrolling in the cities of Ohio. OSP will still be brought into handle serious accidents, but other than those instances, they will not be involved in policing Middletown.

There was also discussion involving the state and future of the Middletown City Jail. With a new Council and a new Chief of Police, there will be renewed discussion as to how the City and Department will move forward. It will depend on available funding and State regulation. The City is also searching for a new City Manager who will eventually have bearing on the direction the Jail goes.

Members also discussed specific incidents that happened in Middletown and their neighborhoods. The use of technology such as camera doorbells and group watch apps such as Nextdoor.com have become useful tools for citizens and could potentially help the Department.

Finally, Detective Reeve announced that there will be 2-4 new officers hired at the beginning of 2020.

IV. Voting on New Board Officers

The Board was required to vote on new officers at this meeting. The current officers are:

- Daniel Allnut - Chair
- Jim Stabler - Vice Chair
- Stefan Wannemacher - Secretary

After discussion and voting the following Board Members will be the new officers in 2020.

- Bill Keith - Chair
- Jim Stabler - Vice Chair
- Stefan Wannemacher and Jerry Martin - Secretary

It was agreed that Secretarial duties will be shared as needed between Mr. Wannemacher and Mr. Martin.
It was noted that as terms expire for members, new applications will need to be submitted to council for approval to remain on the board.

**IV. Closing Comments**

It was discussed that the Board will plan on starting a Facebook page to better communicate as a group and eventually will be open to the public.

Meeting was adjourned at 6:30pm

**V. Next Meeting**
The next meeting will be held on February 19\textsuperscript{th}, 2020 in the Police Training Room.

Prepared by:
Stefan Wannemacher
I Call to Order
Mrs. Anita Shew, President Pro Tem, called the meeting to order at 4:10 p.m.

II Opening Exercise

III Roll Call
The roll was called, and the following members were present:

Mrs. Kristin Bramblett, Ms. Frankie Carlson, Mr. Bruce Hughley, Mrs. Anita Shew, Mr. Richard Szopinski, and Mr. Keith Wright.

Those absent: Mr. Bill Jones

Mrs. Shew welcomed Mrs. Bramblett to the board and asked her to give a review of her background.

Also present were: Mr. Travis Bautz, Library Director; Ms. Cari Hillman, Community Engagement Director; Mrs. Allison Knight, Liberty Branch Manager; Mr. Steve Mayhugh, Facilities Director; Mrs. Brielle Maynor, Public Services Director; Mrs. Deborah Slater, Fiscal Officer; Ms. Kathy Stengel, Human Resources Director; Ms. Emily Vance, Accounting Supervisor; and Mrs. Amy Young, West Chester Branch Manager.

IV 2020 Board
Oath of Office, New Trustees:
Mrs. Kristin Bramblett was appointed by the Middletown City Commission to serve on the Board of Library Trustees for a four-year term. This four-year term will expire December 31, 2023.

Mrs. Slater, Fiscal Officer, gave the oath of office to Mrs. Bramblett as Trustee of the MidPointe Library System Board of Trustees.

Mr. Richard Szopinski was re-appointed by the Middletown City Commission to serve on the Board of Library Trustees for a four-year term. This second four-year term will expire December 31, 2023.

Mrs. Slater, Fiscal Officer, gave the oath of office to Mr. Szopinski as Trustee of the MidPointe Library System Board of Trustees.

Mr. Keith Wright was re-appointed by the Middletown City Commission to serve on the Board of Library Trustees for a four-year term. This first four-year term will expire December 31, 2023.

Mrs. Slater, Fiscal Officer, gave the oath of office to Mr. Wright as Trustee of the MidPointe Library System Board of Trustees.
Election of Officers, Oath of Office:
Mrs. Shew, President Pro Tem, opened the floor for nominations for President of the Board. Mr. Szopinski nominated Mrs. Shew for President. Ms. Carlson seconded the nomination. There being no further nominations, the nominations were closed, and Mrs. Shew assumed the office of President of the Board of Library Trustees.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-01

Mrs. Slater, Fiscal Officer, gave the oath of office to Mrs. Shew as President of the MidPointe Library System Board of Trustees.

Mrs. Shew, President, opened the nominations for Vice-President of the Board. Mr. Szopinski nominated Mr. Hughley for Vice-President. Mrs. Shew seconded the nomination. There being no further nominations, the nominations were closed, and Mr. Hughley assumed the office of Vice-President of the Board of Library Trustees.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-02

Mrs. Slater, Fiscal Officer, gave the oath of office to Mr. Hughley as Vice-President of the MidPointe Library System Board of Trustees.

Mrs. Shew, President, opened the nominations for Secretary of the Board. Mr. Szopinski nominated Ms. Carlson for Secretary. Mr. Wright seconded the nomination. There being no further nominations, the nominations were closed, and Ms. Carlson assumed the office of Secretary of the Board of Library Trustees.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-03

Mrs. Slater, Fiscal Officer, gave the oath of office to Ms. Carlson as Secretary of the MidPointe Library System Board of Trustees.

Board Calendar:
Mrs. Shew mentioned that the 2020 Board Calendar was in the board packet. Mr. Bautz added that there are no changes and that this year each meeting is on the third Tuesday of each month because there were no holiday conflicts. The board accepted the calendar. The 2020 meetings will be held at various MidPointe branches throughout the year as indicated on the calendar.

Mr. Szopinski motioned, seconded by Mr. Hughley, to adopt the board calendar as presented.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-04
Board Committees:
Mr. Bautz identified the opening on the facilities committee. Mrs. Bramblett volunteered to serve on the Facilities Committee.

V Adoption of Agenda
Ms. Carlson motioned, seconded by Mr. Szopinski, to approve the agenda as presented.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-05

VI Public Comment
There were no public comments.

VII Approval of Minutes
Mr. Szopinski motioned, seconded by Mr. Wright, to approve the minutes of the regular board meeting of December 17, 2019.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-06

VIII Fiscal Office
Hiring of the Fiscal Officer:
Mrs. Shew stated that the next agenda item is the re-hiring of the Fiscal Officer. The Fiscal Officer is appointed by the Board of Trustees for a one-year term from organizational meeting to organizational meeting and serves at the discretion of the board. The employment is governed by the policies of the library as adopted by the Board of Trustees. Mrs. Shew asked if there was any discussion regarding re-hiring Deborah Slater as Fiscal Officer. There was none. Mr. Hughley motioned, seconded by Mr. Wright, to re-hire Deborah Slater as the Fiscal Officer for the time period of the 2020 organizational meeting until the 2021 organizational meeting at a part time bi-weekly salary of $2,297.06, annualized for 2020 at $62,020.62.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-07

Oath of Office, Fiscal Officer:
Ms. Stengel, Notary Public, gave the oath of office to Mrs. Slater as Fiscal Officer of the MidPointe Library System.
Setting the Bond of the Fiscal Officer:
Mrs. Shew stated that a bond needs to be set for the Fiscal Officer. The board discussed the amount of past bonds. The board discussed the amount of the bond; that library’s vary in the amount they approve; that the bond protects the library’s liability for the faithful performance of the official duties required of the fiscal officer; that due to the total amount in the various funds that the amount of the bond could be raised; and that a survey of the bond for mid-size library’s should be obtained, and if the majority of those surveyed are more than $100,000, such as $500,000 or above, to get pricing for a higher bond, and an additional or higher bond could be purchased at a later date.

Mrs. Shew asked for a motion to set the bond for the Fiscal Officer, Deborah Slater, at $100,000. Mr. Wright motioned, seconded by Mr. Hughley, that the bond for Mrs. Slater be set at $100,000 and to re-visit the bond matter.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-08

IX Fiscal Officer’s Report
Financial Report, Investments, and Donations:
Mrs. Slater reviewed the December 2019 financial report. She added that 2019 was a good year, and we increased our fund balance by approximately $300,000 even with the capital projects during the year. The board discussed that revenue was approximately $3 million more than our expenses, and the actual expenditures, when not including the transfer, were much less than the financial report appears to show; that the Revenue vs. Expenditure report projections are daunting but are based on assumptions and in reality, the library is well under the budget so the 2019 year to date actual figures need to be added to the report to get more accurate projections of future expenditures. Mr. Szopinski motioned, seconded by Mr. Wright, to approve the Financial Statement, Investments, and Donations for December 2019 as presented by Mrs. Slater.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-09
(Report on file in Fiscal Officer’s office)

Resolution for the Appreciation and Acknowledgment of Staff, Volunteers, and Citizens:
Mrs. Slater discussed the purpose for the annual resolution. Mrs. Slater read the resolution. The board discussed the amount that was spent in 2019. Mr. Wright motioned, seconded by Mr. Szopinski, to approve the Resolution Approving Expenditures for Appreciation of Staff, Volunteers, and Citizens as presented. A copy of the resolution is made a part of these minutes.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-10
**Director’s Report**

**Annual Statistical Reports:**
Mr. Bautz reviewed the year-end statistics. Overall, circulation increased by approximately 15%; Liberty had a good year and their circulation is continually increasing; Library on Wheels has established itself over the past 4 years and circulation increased approximately 23%; Middletown was up by approximately 14%; Monroe had its best year to date with an increase of approximately 15%; Trenton was up by approximately 10%; and West Chester had an increase of approximately 7% over the past year. More patrons are streaming content; library cards issued for the year was just under 20,000 of which e cards were a big part of that; door counts were up overall; programs and attendance are always high; computer use declining; and Wi-Fi use continues to grow.

**Advocacy Update:**
Mr. Bautz reviewed advocacy efforts regarding the Dolly Parton Imagination Library. He and Ms. Hillman are working with governor’s office along with the Butler County United Way organization which will be the fiduciary agent. They have met to work out the specific details and will also speak with the Middletown Community Foundation to work out the details with them. The program will have a possible April roll out date. There is an updated levy schedule for the informational library specific marketing strategy. Ms. Hillman distributed informational bookmarks that will be at all branches for distribution to our patrons. Informational advertisements will be on various media outlets. Letters are being sent to previous donors for donation consideration. Mr. Bautz added that the Edgewood Schools will also be on the March 17th ballot.

**Credit Card Compliance Report:**
Mr. Bautz, as Compliance Officer, gave the first periodic report as required by the credit card policy adopted in 2019. He distributed the credit card audit report which lists every library credit card, the number, location and card holder, as well as the log of the employees who have signed the credit card agreement. The board discussed card limits, and credit card reward incentives.

**By-Laws Update:**
Mr. Bautz reviewed the Board bylaws that needed to be updated with the new mission & vision statement that was updated. Mr. Szopinski motioned, seconded by Mr. Wright to approve the revision to the Board of Trustee Bylaws as presented.

“**Aye**” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“**Nay**” None
Motion Approved 20-11

**XI Public Services**
Mrs. Maynor reported that all branches are preparing for tax season by having forms available and distributed the latest secret shopper report. She reported that Middletown has received good patron feedback regarding the new one desk concept, the carpet project is almost completed, the remainder of the shelving has been lowered for better sight lines, and the restroom renovation planning is continuing. Liberty is now open on Monday’s which has been well received by our patrons and there is planning to expand the hold lockers that are well used. Library on Wheels is back on the road visiting the schools after their holiday break; Monroe has begun opening an hour earlier and added a story time to their programming lineup; Trenton continues to see a steady usage of the sensory space;
West Chester had a soft opening of the makerspace yesterday and the senior citizens are continuing to use the branch for their meeting space at least through March. The board discussed the positives and negatives of the senior citizens meeting at the West Chester Library; the questions on the secret shopper report and the 73% rating on restroom cleanliness even though they are cleaned every day.

XII Public Relations
Ms. Hillman reported that the makerspace opened to the public yesterday and the grand opening with a ribbon cutting will be on February 5th at 10:00 am, with tours, demonstrations of the machines, and giveaways. She added that the library website has been refreshed with a new look which is crisper, the colors are great, and the layout has been simplified and optimized for mobile usage.

XIII Personnel
Staffing Updates:
Mr. Wright motioned, seconded by Ms. Carlson, to approve the following personnel changes:
Accept the resignation by job abandonment of Brittany Amburgey, effective last day worked of 1/4/2020, Middletown, part time, library aide, and she is not eligible for rehire;
Approve the employment of Michelle Morand, effective 1/20/2020, West Chester, full-time, library specialist floater, at pay level three as a one for one replacement;
Approve the employment of Noah Howells, effective 1/13/2020, West Chester, full-time library specialist II, makerspace, at pay level three.

“Aye” Bramblett, Carlson, Hughley, Shew, Szopinski, Wright
“Nay” None
Motion Approved 20-12

Compensation Report:
Ms. Stengel reported that the compensation analysis study was postponed in December and the regular compensation increase process was approved and implemented. She added that we need to begin to look at this again as it will take time to get additional information for the board, to look at the findings, and move forward with any implementation. The board discussed the survey comparisons; to narrow down the current data; to compare other similar library compensation and benefits; private vs public retirement and overall compensation packages and how those compare; and the percentage to use as the benchmark going forward.

XIV Board Comments
Mrs. Shew welcomed new trustee Kristin Bramblett and asked the guest branch managers from Liberty and West Chester to give a short report about their branch.
XV  Adjournment
Mrs. Shew adjourned the meeting at 5:32 p.m.
20-13

_______________________________________
President

_______________________________________
Secretary
February 24, 2020

TO: Susan Cohen, Acting City Manager

FROM: Brittany Grimes, Human Resources Specialist

SUBJECT: PROMOTIONAL APPOINTMENT – PUBLIC WORKS LEADER

We are recommending the promotional appointment of RICHARD CLARK to the position of Public Works Leader in the Department of Public Works and Utilities, Sewer Maintenance Division. Mr. Clark was selected from the eligibility list as a result of Civil Service testing procedures. He will fill the vacancy created by the appointment of Duane Retherford to Assistant Public Works Superintendent/Safety Officer.

Mr. Clark will be assigned to Range 182, Step F which provides a salary of $28.51 hourly, $59,318.48 annually. The effective date of the promotion is March 4, 2020.

c: Amy Schenck, Clerk of Council
    Scott Tadych, Public Works Director
    Charlie Anderson, Public Works Superintendent
    Brian Adams, Public Works Superintendent
    Human Resources
    Finance (Payroll)
    file

cmtg3/3/20

SEWER MAINTENANCE
Authorized Strength - 11
Current Staff Level – 10
February 10, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

PURPOSE

To request approval to purchase a new Chevrolet Tahoe 4WD PPV off the ODAS Contract for the Division of Police in the total amount of $36,481 from Ganley Chevrolet of Aurora LLC.

BACKGROUND and FINDINGS

The Division of Police has a vehicle that needs to be replaced. The current vehicle is a Ford Crown Victoria that has met the City’s 15 point replacement schedule and is 44 months past replacement date. The current vehicle will be sold through GovDeals.

The vehicle is available through the state cooperative purchasing program, so bidding is not necessary.

ALTERNATIVES

The alternative is to keep the old vehicle, although maintenance costs continue to escalate.

FINANCIAL IMPACT

Funds have been appropriated in the 2020 budget for this purchase.

EMERGENCY/NON EMERGENCY

Consent agenda

cc: Jacob Burton, Finance Director
    Scott Tadych, Public Works & Utilities Director
    Rex Hoit, Garage Superintendent
February 18, 2020

TO:        Susan Cohen, Acting City Manager
FROM:     Samantha Zimmerman, Purchasing Agent

PURPOSE

To request Council approve a contract with Champion Cleaning Specialists, Inc., of Cincinnati, Ohio, in the amount of $49,780 for the cleaning of the clarifiers at the Water Treatment Plant.

BACKGROUND and FINDINGS

The Water Treatment Plant has two clarifiers that are cleaned annually. The clarifiers will have to be taken down one at a time and cleaned, as opposed to doing both at once. Bids were taken for the cleaning, with six vendors responding in the following amounts:

- Mohon Blasting and Coatings – Beechmont, KY $28,500.00
- Champion Cleaning Specialists, Inc. – Cincinnati, OH $49,780.00
- C&K Industrial Services, Inc. – Independence, OH $53,359.30
- M&A Coatings, LLC – Washington, PA $61,650.00
- Clean Harbors – Cincinnati, OH $90,000.00
- High Tec Industrial Services Inc. – Tipp City, OH $94,900.00

Mohon Blasting and Coatings was not selected for award due do not having a complete understanding of the bid. They did not include pump rental as required in the technical specifications of the bid and have since rescinded their bid from consideration.

The City is recommending Champion Cleaning Specialists as the lowest and best bid.

ALTERNATIVES

The alternative is to not clean the clarifiers, which will severely impact the water processing in Middletown.

FINANCIAL IMPACT

This is an annual project that is budgeted each year.

EMERGENCY/NON-EMERGENCY

Consent Agenda

cc: Jacob Burton, Finance Director
    Scott Tadych, Public Works & Utilities Director
    Scott Belcher, Water Treatment Manager
February 19, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Recommendation for Police Patrol Interceptor Upfit Packages,
Bid #20-8118-01

PURPOSE

To request the purchase of upfit packages for four 2020 Ford PPV Utility vehicles from Phoenix Upfitters, LLC, of Middletown, OH, in the amount of $50,520, including installation.

BACKGROUND and FINDINGS

As you are aware, the Division of Police has moved to SUV’s for its fleet. As new SUV’s are purchased to replace the older sedans, new upfit packages will need to be purchased. This recommendation is for the upfit packages for four vehicles purchased for the Division of Police. Each upfit package includes transport seats, partitions, window bars, cargo boxes, lights, sirens, etc. Installation of these packages by City personnel has caused some lag in getting the new cruisers on the street. These installations are in addition to the mechanics’ regular duties, which has proven to be burdensome. It is recommended the installation be completed by the vendor to allow our mechanics to return to their regular duties.

Bids were taken separately for three patrol units and one K9 unit upfit packages, however, the department has decided to use a different vehicle as the K9 unit and use all four 2020 Ford PPV Utility vehicles as patrol interceptors.

Bids were received from three companies in the following amounts per vehicle:

Phoenix Upfitters, LLC – Middletown, OH $12,630.00
Mobilcomm, Inc. – Cincinnati, OH $13,384.00
Cincinnati Safety Upfitters, LLC – Cincinnati, OH $13,410.51

We have dealt successfully with Phoenix Upfitters in the past and they have agreed to do the fourth vehicle at the same price as the others, so they are recommended as the lowest and best bid.

ALTERNATIVES

There are two alternatives to this process. One is to keep the current vehicles, however, all the vehicles have met our criteria for replacement. The second is to have the City mechanics do the installation ($7,996 savings), however, this work would be in addition to the mechanics regular duties and we would like to get these patrol vehicles in use as soon as possible.
FINANCIAL IMPACT

There are sufficient funds available in the Garage budget to cover this expenditure, including the installation.

EMERGENCY/NON EMERGENCY

Consent agenda

cc:  Jacob Burton, Finance Director
     Scott Tadych, Public Works & Utilities Director
     Rex Hoit, Garage Superintendent
MOTION ITEM
To: City Council
From: David Birk, Chief of Police
Subject: Request for DORA Extension
Date: March 2, 2020

Ms. Mayor and Council,

The hours for the Designated Outdoor Refreshment Area (DORA) are from noon until midnight, seven days a week. Per the ordinance, these hours can be expanded to accommodate special events. The process to expand these hours begins with a request to the Chief of Police, who can either deny the request or approve the request with concurrence of City Council.

The Middletown Division of Police has requested to extend the hours for DORA on March 14th 2020, to start at 8am until midnight for St. Patrick’s Day.

They believe this will encourage community to come to the area earlier than usual, and to stay later, thus promoting commerce in the downtown area.

With your concurrence, I would like to approve this request.

David Birk
Chief of Police
COUNCIL COMMENTS
LEGISLATION
ITEM 1
ORDINANCE NO. O2020-13

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH BADGER METER, INC. FOR THE PURCHASE OF WATER METERS AND DECLARING AN EMERGENCY.

WHEREAS, in 2016, the City took bids for pricing of water meters which resulted in a contract with Badger Meter, Inc.; and

WHEREAS, that prior contract expired at the end of 2018. Badger Meter, Inc. agreed to extend the prior contract at a 3% increase through March 31, 2020; and

WHEREAS, Badger Meter, Inc. has agreed to amend the prior contract at the 2019 price through March 31, 2021;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager without complying with the procedures of Chapter 735 of the Ohio Revised Code shall enter into a contract with Badger Meter, Inc. for the purchase of water meters in accordance with the proposal on file with the Purchasing Agent.

Section 2

For said purpose the Finance Director is hereby authorized and directed to pay a sum not to exceed $55,624.00 of which $27,812.00 shall be from the Water Fund (Fund #510) and $27,812.00 shall be from the Sanitary Sewer Fund (Fund #520).

Section 3

City Council hereby determines that the procedure to be followed in the award and execution of the aforesaid contract shall consist solely of the procedure set forth in this ordinance and the provisions of Ohio Revised Code Chapter 735 shall not be applicable to the award and execution of the aforesaid contract.

Section 4

It is hereby determined that the subject matter of this legislation is not of a general and permanent nature, does not provide for a public improvement, and does not assess a tax or payment.
Section 5

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to take advantage of the benefits of this agreement without delay, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted:_________

Attest:__________________________

Clerk of City Council

H:/Law/leg/2020 Leg/O Badger Meter water meters.doc
January 29, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Recommendation for Residential Water Meters

PURPOSE
To request authorization to purchase approximately 800 water meters from Badger Meter, Inc. of Milwaukee, WI, in the amount of $69.53 each.

BACKGROUND and FINDINGS
In 2016, the City took bids seeking pricing for water meters. The bid resulted in a contract with Badger Meter, which included two one-year extensions available for the years of 2017 and 2018. The contract was extended at a 3% consumer price index increase for 2019. Even with the price increase Badger Meter remained highly competitive. Badger Meter has agreed to extend the contract at the same price as 2019, waiving the consumer price index increase of 2.01% for 2020.

The City routinely purchases water meters to keep in inventory. Meters are needed for new installations, repairs, and in our ongoing replacement program. The meters included in this bid were the 5/8” x 3/4” meters, which are used in residential construction. Badger Meter has provided the City with good dependable meters in the past and the City has been highly satisfied with their performance.

ALTERNATIVES
The alternative is to request bids.

FINANCIAL IMPACT
There is sufficient funding for the purchase of these meters. Although the original bid asks for pricing on approximately 800 meters, it is doubtful that the City will purchase that many, unless there are extenuating circumstances.

RECOMMENDATION
It is recommended the contract with Badger Meter, Inc., of Milwaukee, WI, be extended through March 31, 2021 in the amount of $69.53/meter, in an amount not to exceed $55,624.
EMERGENCY/NON EMERGENCY

Consent agenda

cc: Jacob Burton, Finance Director
    Scott Tadych, Public Works & Utilities Director
    Brian Adams, Public Works Superintendent
    Robert Blake, Equipment Operator
LEGISLATION
ITEM 2
ORDINANCE NO. O2020-05

AN ORDINANCE DESIGNATING PROPERTIES LOCATED IN AN AREA GENERALLY BOUNDED BY FIRST AVENUE TO THE NORTH, VERITY PARKWAY, SOUTH-SIDE OF WOODLAWN AND PARKVIEW AVENUE TO THE WEST, THE PIONEER CEMETERY PROPERTY, COHEN BROTHERS, INC. AND THE WEST-SIDE OF LAMNECK STREET TO THE EAST AND CALUMET AVENUE TO THE SOUTH AS THE OAKLAND HISTORIC DISTRICT.

WHEREAS, the City adopted Chapter 1212 of the Codified Ordinances regarding the preservation of areas within the City having special historic or aesthetic interest or value; and

WHEREAS, an application for historic district status was submitted to Historic Commission by Dan Barton and Dan Mayzum to create the Oakland Historic District; and

WHEREAS, in accordance with Section 1212.02 the Historic Commission conducted a public hearing on December 12, 2019, and has recommended that the area shown in Exhibit “A”, attached hereto, be designated as a historic district; and

WHEREAS, the Development Code Administrator has recommended that the proposed designation is consistent with the Master Plan of the City, has opined as to the effect of the proposed designation on the surrounding community and has recommended the proposed designation; and

WHEREAS, on January 21, 2020, City Council held a public hearing on the proposed designation and is satisfied that with a modification to the proposed boundaries of the historic district, the property designation meets the criteria set forth in Section 1212.02 of the Codified Ordinances;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

An area that is generally bounded by First Avenue to the North, Verity Parkway, the south-side of Woodlawn and Parkview Avenue to the West, the Pioneer Cemetery property, Cohen Brothers, Inc. and the west-side of Lamneck Street to the East and Calumet Avenue to the South as more particularly shown in Exhibit “B”, attached hereto and made a part hereof, is hereby designated as the Oakland Historic District in accordance with Section 1212.02 of the Codified Ordinances.
Section 2

This ordinance shall take effect and be in force at the earliest time permitted by law.

Nicole Condrey, Mayor

1st Reading: January 21, 2020
2nd Reading: 
Adopted: 
Effective: 

Attest: 
Clerk of City Council

H:/Lawleg/2020 Leg/O Oakland Historic District - REVISED for 2nd Rdg
Step 2: Tell Us About The District

5. On a separate sheet of paper, provide a map of the proposed historic district that illustrates the potential boundary of the district, location of contributing and non-contributing properties and a north arrow.

Be sure that streets and roads are identified on the map. If there are other National Register or locally designated historic districts in your town, show them on the same map or provide a separate map of your community or city in which they are illustrated.
EXECUTIVE SESSION
RESOLUTION NO. R2020-05

A RESOLUTION TO ACCEPT THE ONE OHIO MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF OHIO AND OTHER LOCAL GOVERNMENTS IN OHIO AND DECLARING AN EMERGENCY.

WHEREAS, City Council caused a lawsuit to be filed on its behalf in the United States District Court for the Southern District of Ohio in 2019, seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, since that time, City Council lawsuit has been joined with other lawsuits of local governments throughout the country as part of multi-district civil litigation captioned In Re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, against any and all necessary opioid manufacturers and distributors, and

WHEREAS, it continues to be the desire of City Council to pursue any and all claims for relief as a litigating plaintiff in civil litigation captioned In Re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, against any and all defendants necessary; and

WHEREAS, the State of Ohio, through its Attorney General, is separately engaged in litigation seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance with trials scheduled to begin during the summer and fall months of 2020; and

WHEREAS, on or about February 20, 2020 and as a result of the common desire of the State of Ohio and its local governments, including City Council, to abate and alleviate the impacts of the misfeasance, nonfeasance and malfeasance of certain opioid manufacturers and distributors, the City Manager received a draft of the One Ohio Memorandum of Understanding; and

WHEREAS, since that time, the local governments, including City Council, has been given multiple opportunities, by and through its counsel, to voice its concern regarding the terms and conditions of the draft of the One Ohio Memorandum of Understanding; and

WHEREAS, as a result of local governments, including City Council, voicing those concerns, the One Ohio Memorandum of Understanding has been redrafted in a manner intended to alleviate said concerns; and

WHEREAS, it is the opinion of City Council that Middletown, Ohio, is likely to receive a more favorable resolution of the civil litigation in a more timely manner by joining forces with other local governments and the State of Ohio to address the opioid epidemic and the grave affects it has had on the citizens of the State of Ohio and Middletown, Ohio; and
WHEREAS, it is the understanding and desire of City Council that the One Ohio Memorandum of Understanding will permit collaboration between the State of Ohio and local governments to explore and potentially effectuate earlier resolution of the civil litigation against the opioid manufacturers and distributors; and

WHEREAS, it is the understanding and desire of City Council that the One Ohio Memorandum of Understanding may permit an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and local governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout the State of Ohio and specifically in Middletown, Ohio; and

WHEREAS, City Council retains the right to accept or decline any and all settlement offers as they may be presented in the future; and

WHEREAS, the Middletown City Council hereby retains any and all legal rights it possesses in pursuing any and all claims against the opioid manufacturers and distributors in the event settlements cannot be reached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Middletown, Butler/Warren Counties, Ohio:

Section 1

City Council accepts the One Ohio Memorandum of Understanding as currently drafted, together with all attachments.

Section 2

City Council hereby authorizes the City Manager or their designee to take any and all actions necessary to effectuate this resolution.

Section 3

All formal action of City Council concerning and relating to the passage of this Resolution were adopted in an open meeting of City Council, and all deliberations of City Council 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 4

If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 5

This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to permit the MOU to be signed on behalf of the City without delay, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted: ________________

Attest: ____________________

Clerk of City Council
ONE OHIO MEMORANDUM OF UNDERSTANDING

Whereas, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and,

Whereas, the State of Ohio, though its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and,

Whereas, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio;

Now therefore, the State and its Local Governments, subject to completing formal documents effectuating the Parties’ agreements, enter into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. “The State” shall mean the State of Ohio acting through its Governor and Attorney General.

2. “Local Government(s)” shall mean all counties, townships, cities and villages within the geographic boundaries of the State of Ohio.

3. “The Parties” shall mean the State of Ohio, the Local Governments and the Plaintiffs’ Executive Committee of the National Prescription Opiate Multidistrict Litigation.

4. “Negotiating Committee” shall mean a three-member group comprising one representative for each of (1) the State; (2) the Plaintiffs’ Executive Committee of the National Prescription Opiate Multidistrict Litigation (“PEC”); and (3) Ohio Local Governments (collectively, “Members”). The State shall be represented by the Ohio Attorney General or his designee. The PEC shall be represented by attorney Joe Rice or his designee. Ohio Local Governments shall be represented by attorney Frank Gallucci, or attorney Russell Budd or their designee.

5. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the State, PEC and the Local Governments.
6. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Memorandum of Understanding.

7. “Approved Purpose(s)” shall mean evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers, as is further set forth in the agreed Opioid Abatement Strategies attached as Exhibit A. For purposes of the Local Government Share, “Approved Purpose(s)” will also include past expenditures.

8. “Pharmaceutical Supply Chain” shall mean the process and channels through which Controlled Substances are manufactured, marketed, promoted, distributed or dispensed.

9. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be divided with 30% going to Local Governments (“LG Share”), 55% to the Foundation (structure described below) (“Foundation Share”), and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio (“State Share”).

2. All Opioid Funds, regardless of allocation, shall be utilized in a manner consistent with the Approved Purposes definition. The LG Share may also be used for past expenditures so long as the expenditures were made for purposes consistent with the remaining provisions of the Approved Purposes definition. Prior to using any portion of the LG Share as restitution for past expenditures, a Local Government shall pass a resolution or take equivalent governmental action that explains its determination that its prior expenditures for Approved Purposes are greater than or equal to the amount of the LG Share that the Local Government seeks to use for restitution.

3. The division of Opioid Funds paid to Local Governments participating in an individual settlement shall be based on the allocation created and agreed to by the Local Governments which assigns each Local Government a percentage share of Opioid Funds. The allocations are set forth in Exhibit B. With respect to Opioid Funds, the allocation shall be static.

4. In the event a Local Government merges, dissolves, or ceases to exist, the allocation percentage for that Local Government shall be redistributed equitably based on the
composition of the successor Local Government. If a Local Government for any reason is excluded from a specific settlement, the allocation percentage for that Local Government shall be redistributed equitably among the participating Local Governments.

5. If the LG Share is less than $500, then that amount will instead be distributed to the county in which the Local Government lies to allow practical application of the abatement remedy.

6. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Foundation and disbursed as set forth below.

7. The LG Share shall be paid in cash and directly to Local Governments under a settlement or judgment, or through an administrator designated in the settlement documents who shall hold the funds in trust in a segregated account to benefit the Local Governments to be promptly distributed as set forth herein.

8. Nothing in this MOU should alter or change any Local Government’s rights to pursue its own claim. Rather, the intent of this MOU is to join all parties to seek and negotiate binding settlement or settlements with one or more defendants for all parties within Ohio.

9. Opioid Funds directed to the Foundation shall be used to benefit the local community consistent with the by-laws of the Foundation documents and disbursed as set forth below.

10. The State of Ohio and the Local Governments understand and acknowledge that additional steps should be undertaken to assist the Foundation in its mission, at a predictable level of funding, regardless of external factors.

11. The Parties will take the necessary steps to ensure there is the ability of a direct right of action under the expedited docket rules to the Ohio Supreme Court relative to any alleged abuse of discretion by the Foundation.

C. **Payment of Counsel and Litigation Expenses**

1. The Parties agree to establish a Local Government Fee Fund (“LGFF”) to compensate counsel for Local Governments if the Parties cannot secure the separate payment of fees and associated litigation expenses for their counsel from a settling entity.

2. The LGFF shall be calculated by taking 11.05% of the total monetary component of any settlement accepted (“LGFF Amount”). Fees related to product or other items of value shall be addressed case by case.
3. The first 45% of the LGFF amount shall be drawn from the LG Share. The remaining 55% shall be drawn from the Foundation Share. No portion of the LGFF Amount may be assessed against or drawn from the State Share.

4. To the extent the Parties can secure the separate payment of fees and associated litigation expenses from a settling entity, the amount to be drawn for the LGFF will be proportionally reduced.

5. This LGFF Amount will be deposited into the LGFF and shall be divided with 60% being allocated to the National Prescription Opiate MDL (“M.D.L.”) Common Benefit fund for fees and expenses and 40% to contingency fees.

6. Local Government contingent fee contracts shall be capped at 25% or the actual contract rate whichever is less. Eligible contingent fee contracts shall be executed as of March 6, 2020 and subject to review by the committee designated to oversee the Local Government Fee Fund.

7. Common Benefit awards will be coordinated as set forth in the M.D.L. Common Benefit Fee Order. Expenses will be addressed consistent with the manner utilized in the M.D.L.

8. Any balance left in the LGFF following the payment of fees shall revert to the Foundation.

9. Any attorney fees related to representation of the State of Ohio shall not be paid from the LGFF but paid directly from the State Share or through other sources.

D. The Foundation

1. The State of Ohio will be divided into 19 Regions (See attached Exhibit C). Eight of the regions will be single or two county metropolitan regions. Eleven of the regions will be multi-county, non-metropolitan regions.

2. Each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the board and selection of projects to be funded from the region’s Regional Share. The Expert Panel (defined below) may consult with and may make recommendations to Regions on projects to be funded. Regions shall have the responsibility to make decisions that will allocate funds to projects that will equitably serve the needs of the entire Region.

3. The Parties shall create a private 501(c)(3) foundation (“Foundation”) with a governing board (“Board”), a panel of experts (“Expert Panel”), and such other regional entities as may be necessary for the purpose of receiving and disbursing Opioid Funds and other purposes as set forth both herein and in the documents establishing the Foundation. The Foundation will allow Local Governments to take
advantage of economies of scale and will partner with the State of Ohio to increase revenue streams.

4. Board Composition

a. The Board will consist of 29 members comprising representation from four classes:

- Six members selected by the State (five selected by the Governor and one selected by the Attorney General);
- Four members drawn from the Legislature
  - One representative selected by the President of the Ohio Senate;
  - One representative selected by the Ohio Senate Minority Leader;
  - One representative selected by the Speaker of the Ohio House of Representatives; and,
  - One representative selected by the Ohio House Minority Leader
- Eleven members with one member selected from each non-metropolitan Regions; and
- Eight members, with one member selected from each metropolitan Regions.

b. All board members shall serve as fiduciaries of the Foundation as required by Ohio Revised Code § 1702.30(B) governing directors of nonprofit corporations.

5. Board terms will be staggered. Five members, (one from each of the first three classes above, and two from the metropolitan class) will be appointed for an initial three-year term, eight members of the Board (two from the first class, including the Attorney General’s representative, one from the second class, four from the third class, and one from the fourth class) will be appointed for an initial term of one year. The remaining members will be appointed for a two-year term. Board members may be reappointed. All subsequent terms will be for two years.

6. Eighteen members of the Board shall constitute a quorum. Members of the Board may participate in meetings by telephone or video conference or may select a
designee to attend and vote if the Board member is unavailable to attend a board meeting.

7. In all votes of the Board, a measure shall pass if a quorum is present, the measure receives the affirmative votes from a majority of those board members voting, and at least one member from each of the four classes of Board members votes in the affirmative.

8. The Foundation shall have an Executive Director appointed by the Governor.
   a. The Governor shall appoint the Executive Director at his or her discretion from a list of three candidates provided to the Governor by the Board. If the Governor finds all three candidates to be unsatisfactory, the Governor may reject all three candidates and request the Board to provide three new persons to select from.
   b. In choosing candidates to be submitted to the Governor, the Board shall seek candidates with at least six (6) years of experience in addiction, mental health and/or public health and who shall have management experience in those fields.
   c. No funds derived from the Foundation Share shall be used to pay the Executive Director or any of the foundation staff in excess of the maximum range (range 42) of the Department of Administrative Services Exempt Schedule E2 or that schedule’s successor.
   d. The Executive Director shall serve as an ex officio, non-voting member of both the Board and the Expert Panel.

9. The Board shall appoint the Expert Panel. The Expert Panel shall consist of six members submitted by the Board Members representing the Local Governments, two members submitted by the Governor and one member submitted by the Attorney General. Expert Panel members may be members of Local Governments or the State. The Expert Panel will utilize experts in addiction, pain management, public health and other opioid related fields to make recommendations that will seek to ensure that all 19 regions can address the opioid epidemic both locally and statewide. Expert Panel members may also be members of the Foundation Board, but need not be.

10. The Foundation Board and the Regions shall be guided by the recognition that expenditures should ensure both the efficient and effective abatement of the opioid epidemic and the prevention of future addiction and substance misuse. In recognition of these core principles, the Board and the Regions shall endeavor to assure there are funds disbursed each year to support evidence-based substance abuse/misuse prevention efforts.
11. Disbursement of Foundation Funds by the Board

a. The Foundation Board shall develop and approve procedures for the disbursement of Opioid Funds of the Foundation consistent with this Memorandum of Understanding.

b. Funds for statewide programs, innovation, research, and education may also be expended by the Foundation. Any statewide programs funded from the Foundation Share would be only as directed by an affirmative vote of the Board as set forth in paragraph D(7) above. Expenditures for these purposes may also be funded by the Foundation with funds received from either the State Share (as directed by the State) or from sources other than Opioid Funds as provided in paragraph 14 below.

c. Funds approved for disbursement to the nineteen Regions shall be allocated based on each Region’s share of Opioid Funds (“Regional Share”). Each Regional Share shall be calculated by summing the individual percentage shares of the Local Governments within that Region as set forth in Exhibit B. The Regional Shares for each Region are set forth in Exhibit D.

d. Regions may collaborate with other Regions to submit joint proposals to be paid for from the Regional Shares of two or more Regions for the use of those Regions.

e. The Foundation’s procedures shall set forth the role of the Expert Panel and the Board in advising, determining, and/or approving disbursements of Opioid Funds for Approved Purposes by either the Board or the Regions. Proposed disbursements to Regions of Regional Shares shall be reviewed only to determine whether the proposed disbursement meets the criteria for Approved Purposes.

f. Within 90 days of the first receipt of any Opioid Funds and annually thereafter, the Board, assisted by its investment advisors and Expert Panel, shall determine the amount and timing of Foundation funds to be distributed as Regional Shares. In making this determination, the Board shall consider: (a) Pending requests for Opioid Funds from Regions; (b) the total Opioid Funds available; (c) the timing of anticipated receipts of future Opioid Funds; (d) non-Opioid Funds received by the Foundation; and (e) investment income. The Foundation may disburse its principal and interest with the aim towards an efficient, expeditious abatement of the Opioid crisis considering long term and short term strategies.

g. Votes of the Board on the disbursement and expenditure of funds shall, as with all board votes, be subject to the voting procedures in Section D(7) above. The proposed procedures should provide for the Board to hear appeals by Local Governments from any denials of requested use of funds.
12. The Foundation, Expert Panel, and any other entities under the supervision of the Foundation shall operate in a transparent manner. Meetings shall be open, and documents shall be public to the same extent they would be if the Foundation was a public entity. All operations of the Foundation and all Foundation supervised entities shall be subject to audit. The bylaws of the Foundation Board regarding governance of the Board as adopted by the Board, may clarify any other provisions in this MOU except this subsection. This substantive portion of this subsection shall be restated in the bylaws.

13. The Foundation shall consult with a professional investment advisor to adopt a Foundation investment policy that will seek to assure that the Foundation’s investments are appropriate, prudent, and consistent with best practices for investments of public funds. The investment policy shall be designed to meet the Foundation’s long and short-term goals.

14. The Foundation and any Foundation supervised entity may receive funds including stocks, bonds, real property and cash in addition to the proceeds of the Litigation. These additional funds shall be subject only to the limitations, if any, contained in the individual award, grant, donation, gift, bequest or deposit consistent with the mission of the foundation.

E. Settlement Negotiations

1. All Members of the Negotiating Committee, and their respective representatives, shall be notified of and provided the opportunity to participate in all negotiations relating to any Ohio-specific Settlement with a Pharmaceutical Supply Chain Participant.

2. No Settlement Proposal can be accepted for presentation to Local Governments or the State under this MOU over the objection of any of the three Members of the Negotiating Committee. The Chair shall poll the Committee Members at the conclusion of discussions of any potential settlement proposal to determine whether such objections exist. Although multiple individuals may be present on a Member’s behalf, for polling purposes each Member is a single entity with a single voice.

3. Any Settlement Proposal accepted by the Negotiating Committee shall be subject to approval by Local Governments and the State.

4. As this is an “All Ohio” effort, the Committee shall be Chaired by the Attorney General. However, no one member of the Negotiating Committee is authorized to speak publicly on behalf of the Negotiating Committee without consent from the other Committee Members.

5. The State of Ohio, the PEC or the Local Governments may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days’ written
notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

6. The obligations in this Section shall not affect any Party’s right to proceed with trial or, within 30 days of the date upon which a trial involving that Party’s claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

Acknowledgment of Agreement

We the undersigned have participated in the drafting of the above Memorandum of Understanding including consideration based on comments solicited from Local Governments. This document has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to a specific outcome. Any resolution under this document will require acceptance by the State of Ohio and the Local Governments.

FOR THE STATE OF OHIO:

_____________________________   __________________________________
Mike DeWine, Governor           Dave Yost, Attorney General
FOR THE LOCAL GOVERNMENTS AND PLAINTIFFS’ EXECUTIVE COMMITTEE:

Frank L Gallucci III  
Plevin & Gallucci Co., LPA

Anthony J. Majestro  
Powell & Majestro PLLC

Michelle Kranz  
Zoll & Kranz, LLC

Donald W. Davis, Jr.  
Brennan, Manna & Diamond, LLC

Joe Rice  
Motley Rice, LLC

Russell Budd  
Baron & Budd, PC

Robert R. Miller  
Oths, Heiser, Miller, Waigland & Clagg, LLC

D. Dale Seif, Jr.  
Seif & McNamee, LLC

James Lowe  
Lowe, Eklund & Wakefield Co., LPA

Peter H. Weinberger  
Dustin Herman  
Spangenberg, Shibley & Liber LLP

Kevin M. Butler  
Law Offices of Kevin M. Butler
We the undersigned ACCEPT / REJECT (Circle One) the One Ohio Memorandum of Understanding (“MOU”). We understand that the purpose of this MOU is to permit collaboration between the State of Ohio and Local Governments to explore and potentially effectuating earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio.
DATE: March 2, 2020

FROM: Susan Cohen, Acting City Manager

PURPOSE

To request a resolution to accept the One Ohio Memorandum of Understanding between the State of Ohio and various local governments in Ohio to work towards a resolution of the ongoing opioid litigation.

BACKGROUND AND FINDINGS

The State of Ohio and various local governments have developed an agreed strategy for the disbursement of any settlement funds that are received as a result of the pending opioid litigation. It is important to note that there is no guarantee that funds will be received. In the event funds become available, the agreement allocates the funds as follows: 30% to the included local governments, 55% to a foundation to be created for the distribution of this percentage throughout the state-wide regions, and 15% to the State of Ohio/Attorney General. A copy of the MOU without the exhibits is attached. This is not necessarily a final document and may be subject to some final revisions before it is signed by the parties.

ALTERNATIVES

Council may choose to not to pass the resolution and the City would have to resolve this litigation on its own and not be able to participate in the global settlement if one is reached.

FINANCIAL IMPACTS

No out of pocket costs.

EMERGENCY/NON EMERGENCY

Emergency. The State of Ohio has asked for a response from the local government entities by March 5, 2020.
EXECUTIVE SESSION