

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

December 17, 2020

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### NEW BUSINESS

### ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

#### ORDINANCE NO. O – 12 – 20 – 23

#### AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S PERSONNEL PRACTICES MANUAL AND DECLARING AN EMERGENCY

**WHEREAS**, pursuant to Charter Section 11.03, Council enacted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

**WHEREAS**, on November 19, 2020 Council authorized various amendments to the City Personnel Manual; and

**WHEREAS**, the leave time accrual rates for the Fire Department were inadvertently removed as part of the amendments on November 19, 2020; and

**WHEREAS**, City Staff requests the Fire Department leave time accrual rates, *Exhibit A*, be added back to the Personnel Manual at Article 22, Section E.

### NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the proposed addition(s) to the City of Clayton Personnel Practices Manual appended hereto as *Exhibit A* are hereby adopted.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That prompt implementation of the addition(s) to this Manual are necessary for continued effective management of personnel and implementation of policies and benefits so as to ensure continued provision of City services, and is necessary to be immediately effective such that leave time can be appropriately deposited for each affected employee on January

11, 2021; and absent immediate implementation, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON DECEMBER 17, 2020

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**ORDINANCE NO. O – 12 – 20 – 24**

**AN ORDINANCE AUTHORIZING AMENDMENTS TO DESIGNATION OF JOB CATEGORIES AND PAY SCHEDULES AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 3.01(D) of the Clayton Charter provides that Council may authorize the creation of positions of employment and set their rates of compensation; and

**WHEREAS**, an Organization Chart and revised pay tables have been prepared by the City Manager, reviewed by the Finance Director and recommended for approval by the City Manager.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the Organization Chart and Pay Table(s) appended hereto as *Exhibit A* be and hereby are authorized and approved with the Pay Tables to be effective the first full payroll period in January, 2021.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON DECEMBER 17, 2020

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**ORDINANCE NO. O – 12 – 20 – 25**

**AN ORDINANCE AUTHORIZING CARRY OVER TO 2021 OF COVID-19 RELATED EMERGENCY PAID SICK LEAVE FOR ADMINISTRATIVE, POLICE, FIRE, AND PUBLIC WORKS EMPLOYEES AND DECLARING AN EMERGENCY**

**WHEREAS**, via enactment of City of Clayton, Ohio Resolution No. R-03-20-19 on March 19, 2020, the Clayton City Council ratified the declaration of emergency issued by the Mayor and City Manager in response to the COVID-19 virus; and

**WHEREAS**, City of Clayton, Ohio Resolution No. R-03-20-19 remains and continues in full force and effect and will remain in full force and effect during the period of time Governor DeWine’s Executive Order 2020-01D is in effect; and

**WHEREAS**, the Federal Family First Coronavirus Response Act (FFCRA) was enacted with effective dates of April 1, 2020 – December 31, 2020 to provide emergency FMLA and emergency paid sick leave for employees for specified COVID-19 related reasons; and

**WHEREAS**, Section 3105 of the FFCRA contains a special rule allowing employers to exempt “emergency responders” from application of the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act of the FFCRA; and

**WHEREAS**, “emergency responders” as defined by the U.S. Department of Labor, includes, among others, law enforcement officers, fire fighters, emergency medical services personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and related personnel who work for such facilities whose work is necessary to maintain the operation of the facility; and

**WHEREAS**, consistent with Section 3105 of the FFCRA, the City of Clayton, Ohio Police Department, Fire Department and Public Works Department employees are exempt from the application of the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act of the FFCRA; and

**WHEREAS**, via enactment of Ordinance No. O-04-20-08 on April 16, 2020, City Council authorized emergency paid sick leave as specified below for the below enumerated COVID-19 reasons, and provided the employee is not receiving paid leave from another jurisdiction, for the Clayton Police Department, Fire Department and Public Works Department due to the fact those employees were/are deemed exempt from the application of the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act of the FFCRA:

1. *All Full Time Police Department Employees: 82.5 hours;*
2. *All Full Time Fire Department Employees: 120 hours;*
3. *All Full Time Public Works Employees: 80 hours.*
4. *All Part Time Police, Fire, and Public Works Employees: The number of hours that such employee works, on average, over a 2-week period, determined on a case by case employee basis*

*during the time period April 1, 2020 – December 31, 2020 and for the following documented reasons:*

- A. The employee has been advised by a health care provider to self-quarantine related to COVID-19 exposure or diagnosis; or*
- B. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or*
- C. The employee needs to care for an individual subject to reasons A or B above.*

**WHEREAS**, the Federal Family First Coronavirus Response Act (FFCRA) was enacted with effective dates of April 1, 2020 – December 31, 2020 and to date, there has been no new Federal legislation to extend the FFCRA emergency paid sick leave beyond December 31, 2020.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That employees of the City of Clayton, Ohio shall be permitted to carry over for use between January 1, 2021 and December 31, 2021, un-used emergency paid sick leave, provided the employee is not receiving paid leave from another jurisdiction, and for the following documented reasons:
  - A. The employee has been advised by a health care provider to self-quarantine related to COVID-19 exposure or diagnosis; or
  - B. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or
  - C. The employee needs to care for an individual subject to reasons A or B above.

The amount of un-used emergency paid sick leave under this Paragraph 1 that each employee shall be permitted to carry over is as follows:

1. All Full Time Police Department Employees: up to 82.5 hours;
  2. All Full Time Fire Department Employees: up to 120 hours;
  3. All Full Time Public Works Employees: up to 80 hours;
  4. All Full Time Administrative Employees: up to 80 hours;
  5. All Part Time Administrative, Police, Fire, and Public Works Employees: The number of hours that such employee works, on average, over a 2-week period, determined on a case-by-case employee basis.
2. The emergency paid sick leave enumerated in Paragraph 1 above is separate from and in addition to accrued paid leave. If an employee exhausts his or her emergency paid sick leave under Paragraph 1 above, then the employee, upon approval, may use other forms of accrued paid leave if additional time off is required.

3. The emergency paid sick leave enumerated in Paragraph 1 is being provided to the specified employees in response to the unique situation which has presented itself in the form of COVID-19 and is therefore intended to be and is hereby declared to be a temporary relief measure and as such, the emergency paid sick leave cannot be carried over into 2022, banked, or paid out at the end of the year or upon separation of employment for any reason.
4. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
5. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
6. That, unless prompt implementation of the emergency paid sick leave enumerated in Paragraph 1 above for the specified personnel can be achieved, the health, safety and welfare of City employees and/or members of the public may be impaired by the continued spread of the COVID-19 virus and the public health, safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON DECEMBER 17, 2020

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## **RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

### **RESOLUTION NO. R – 12 – 20 – 67**

#### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT RELATIVE TO BODYWORN CAMERAS FOR USE BY THE CLAYTON POLICE DEPARTMENT WITH UTILITY ASSOCIATES, INC. DBA BODYWORN BY UTILITY FOR A TERM OF FIVE (5) YEARS AND NOT TO EXCEED A TOTAL AMOUNT OF \$130,460.00**

**WHEREAS**, Clayton Charter Section 8.02(C)(3)(g) permits Council to exempt "professional services . . . not to exceed One Hundred Fifty Thousand Dollars" from competitive bidding requirements, and Charter Section 8.02(C)(3)(h) exempts from competitive bidding those matters as set forth by the general laws pertaining to general statutory plan cities or established by the common law of Ohio; and

**WHEREAS**, the City has received and reviewed proposals for body camera services for use by the Clayton Police Department; and

**WHEREAS**, City staff recommends acceptance of the proposal submitted by Utility Associates, Inc. dba BodyWorn by Utility, as being most favorable to and in the best interests of the City.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City Manager is hereby authorized to enter into a Service Agreement with Utility Associates, Inc. dba BodyWorn by Utility, for a term of five (5) years relative to BodyWorn camera services for use by the Police Department and in a total amount not to exceed \$130,460.00.

ADOPTED BY COUNCIL ON DECEMBER 17, 2020

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**RESOLUTION NO. R – 12 – 20 – 68**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH SUPERIOR DENTAL CARE FOR THE PROVISION OF GROUP DENTAL INSURANCE BENEFITS FOR THE PERIOD JANUARY 1, 2021 TO AUGUST 31, 2021**

**WHEREAS**, via enactment of Resolution No. R-11-19-74 on November 21, 2019, Council authorized the City Manager to enter into a contract with Superior Dental Care for the provision of dental insurance benefits through December 31, 2020; and

**WHEREAS**, Superior Dental Care has proposed renewal of the City’s plan with no changes to the plan benefit and a modest premium increase which would remain in effect through August 31, 2022 if the City were to renew with Superior Dental Care in 2021 for the 2022 coverage year; and

**WHEREAS**, City staff has confirmed that the use of a formal competitive bidding/proposal process and the delay associated therewith would result in a gap in coverage for employees; and

**WHEREAS**, the renewal would keep the current coverage and services as exist for the City; and

**WHEREAS**, renewal of the current Superior Dental Care policy permits continuation of the contract plan at the best and lowest price, coverage, and services reasonably possible; and

**WHEREAS**, the minimal prior notice and pending deadline for completion of said renewal mandates the taking of emergency action to approve said renewal to prevent a gap in coverage for employees.

**WHEREAS**, City Staff and the City Manager recommends for acceptance as most beneficial, favorable to the City, and in the best interest of the City, the proposal submitted by Superior Dental Care for the period January 1, 2021 to August 31, 2021.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the renewal proposal from Superior Dental Care for the provision of group dental insurance benefits from January 1, 2021 to August 31, 2021 with monthly premium cost not to exceed \$25.08

per employee plan and \$77.02 per multi-enrollee plan is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON DECEMBER 17, 2020

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**RESOLUTION NO. R – 12 – 20 – 69**

**A RESOLUTION TO AUTHORIZE AND APPROVE THE 2021 BUDGET AND PERMANENT APPROPRIATIONS**

**WHEREAS**, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

**WHEREAS**, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

**WHEREAS**, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

**WHEREAS**, certain appropriations are necessary to authorize payment from certain funds; and

**WHEREAS**, the City Manager and Finance Director have prepared and presented the 2021 Budget and Permanent Appropriations for the City of Clayton.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the 2021 Budget appended hereto as *Exhibit A* and made a part hereof is hereby authorized and approved.
2. That the appropriations by fund and appended hereto and made a part hereof are hereby authorized and approved for 2021.
3. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to affect such appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON DECEMBER 17, 2020

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**RESOLUTION NO. R – 12 – 20 – 70**

**A RESOLUTION APPROVING AMENDMENT OF 2020  
APPROPRIATIONS AND ESTIMATED RESOURCES**

**WHEREAS**, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

**WHEREAS**, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

**WHEREAS**, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

**WHEREAS**, certain appropriations are necessary to authorize payment from certain funds; and

**WHEREAS**, Council previously approved the Original Certificate of Estimated Resources and Appropriations; and

**WHEREAS**, the Finance Director has requested amendment of the 2020 Appropriations and Estimated Resources with respect to the Police Fund (201), Fire Trust Fund (330), Local Coronavirus Relief Fund (707), Jedd Tax Fund (953), and Agency Fund (954).

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the following amendments are hereby approved as follows and the appropriation amendments are for *expenses (operational)(personnel) as indicated below*:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
Police (201)		(\$15,000) <b>(operating)</b> \$15,000 <b>(personnel)</b>
Fire Trust (330)	\$20,426	\$20,426 <b>(operating)</b>
Local Coronavirus Relief Fund (707)	\$ 4,205.93	\$40,164.69 <b>(personnel)</b> (\$35,958.76) <b>(operating)</b>
JEDD Tax (953)	\$17,082.28	\$17,082.28 <b>(operating)</b>
Agency (954)	\$ 1,989.10	\$ 1,989.10

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such amendments and appropriations and evidence same on the books and financial record of the City.