

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

March 21, 2024

OLD BUSINESS - NONE

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 03 –24 – 17

**A RESOLUTION APPROVING THE COUNTYWIDE 9-1-1 FINAL PLAN AS
APPROVED BY THE COUNTYWIDE 9-1-1 PROGRAM REVIEW COMMITTEE**

WHEREAS, pursuant to Ohio Revised Code Section 128.06, the Countywide 9-1-1 Program Review Committee is required to maintain and amend a final plan for implementing and operating the countywide 9-1-1 system; and

WHEREAS, as provided by Ohio Revised Code Section 128.08(B)(1), the final plan is effective if further approved by the Board of County Commissioners and the legislative authorities of municipal corporations and townships that contain at least sixty percent (60%) of the County’s population; and

WHEREAS, the Countywide 9-1-1 Program Review Committee for Montgomery County, Ohio has unanimously approved the Final Plan for Countywide 9-1-1 services throughout Montgomery County, and has submitted same for approval by the Board of County Commissioners, and the various municipal and township legislative authorities within Montgomery County.

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

1. That the Council of the City of Clayton, Ohio hereby approves the Countywide 9-1-1 Services Final Plan, copy appended hereto as **Exhibit A**, as approved by the Montgomery County Countywide 9-1-1 Program Review Committee.
2. That this Resolution shall be effective as an exception to any ordinance, resolution, or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.
3. *That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the Montgomery County Board of County Commissioners.*
4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
5. That this Resolution shall take effect and be in full force and effect from and after the date of its passage.

RESOLUTION NO. R – 03 – 24 – 18

A RESOLUTION APPROVING A NEW COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMENS BENEVOLENT ASSOCIATION SETTING FORTH THE WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR SERGEANTS WITHIN THE CLAYTON POLICE DEPARTMENT FOR THE PERIOD APRIL 1, 2024 THROUGH MARCH 31, 2026

WHEREAS, representatives of the City and Union have tentatively agreed upon a successor Collective Bargaining Agreement (*Exhibit A*) for the sergeants within the Clayton Police Department and staff has recommended it for approval; and

WHEREAS, said Agreement provides for a wage increase of 2.0% in year one, with wage re-openers in years 2 and 3; and

WHEREAS, said Agreement maintains the City of Clayton in a comparable position on wages and benefits relative to surrounding departments within the Miami Valley.

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

1. That the Collective Bargaining Agreement with the OPBA for Sergeants for the period 4/1/24-3/31/26 appended hereto as *Exhibit A* and made a part hereof is approved and the City Manager is authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON MARCH 21, 2024

RESOLUTION NO. R – 03 – 24 – 19

A RESOLUTION REPEALING RESOLUTION NO. R-02-24-15 WHICH AUTHORIZED THE FIVE-YEAR LEASE TO PURCHASE ONE (1) 2024 FORD INTERCEPTOR UTILITY SUV FOR USE BY THE POLICE DEPARTMENT FROM ENTERPRISE FLEET MANAGEMENT, INC. AT A TOTAL COST OF \$60,600.00 AND REPLACING WITH THE CURRENT RESOLUTION NO. R-03-24-19

WHEREAS, via City Charter Section 8.02(C)(3)(a), Council may exempt from competitive bidding such expenditures as are authorized via a two-thirds vote of Council; and

WHEREAS, the Police Chief previously recommended the acquisition of one (1) 2024 Ford Interceptor Utility SUV for use by the Police Department from Enterprise Fleet Management via a five-year lease to purchase option; and

WHEREAS, via adoption of Resolution No. R-02-24-15 on February 15, 2024, Council authorized the acquisition of one (1) 2024 Ford Interceptor Utility SUV for use by the Police Department from Enterprise Fleet Management via a five-year lease to purchase option; and

WHEREAS, after the adoption of Resolution No. R-02-24-15 on February 15, 2024, City staff was advised the aforementioned 2024 model was not available, but a 2025 model is available; and

WHEREAS, Council desires to repeal Resolution No. R-02-24-15 which referenced the acquisition of a **2024** Ford Interceptor Utility SUV for use by the Police Department in order

to now adopt the present Resolution authorizing the acquisition of one (1) **2025** Ford Interceptor Utility SUV for use by the Police Department from Enterprise Fleet Management via a five-year lease to purchase option.

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

1. That Resolution No. R-02-24-15 adopted on February 15, 2024 is hereby repealed and replaced with the present Resolution No. R-03-24-19 and further authorizing the City to enter into a five (5) year lease to purchase option agreement with Enterprise Fleet Management, Inc. for one (1) **2025** Ford Interceptor Utility SUV for use by the Police Department at a total purchase price of \$60,600.00 (\$13,560.00 paid the first year of the lease and \$11,660.00 paid per year for each of the next 4 years of the lease, plus \$400.00 charge at termination).

ADOPTED BY COUNCIL ON MARCH 21, 2024

RESOLUTION NO. R – 03 – 24 – 20

A RESOLUTION AUTHORIZING THE PURCHASE OF MARCs RADIOS FOR USE BY THE FIRE DEPARTMENT AT A TOTAL COST TO THE CITY OF \$15,619.68 AND TO FURTHER APPROVE AMENDMENT OF THE PREVIOUSLY AUTHORIZED FIVE-YEAR CAPITAL IMPROVEMENT BUDGET WITH RESPECT TO SAME

WHEREAS, under Section 8.05 (A) of the Clayton City Charter the City Manager is to prepare a five-year capital improvement budget for the consideration of Council; and

WHEREAS, on November 2, 2023, via adoption of Resolution No. R-11-23-61, Council adopted and approved a Five-Year Capital Improvement Budget (“CIP Budget”) (**Exhibit A**); and

WHEREAS, the aforementioned CIP Budget, at page 118 (**Exhibit B**) provided for the purchase of MARCs radios for use by the Fire Department in 2025; and

WHEREAS, the City has received a grant in the amount of \$10,000.00 as well as a price reduction of \$17,079.84 for the purchase of the aforesaid MARCs radios which will reduce the cost to the City from \$42,699.52 to \$15,619.68 (**Exhibit C**) provided said radios are purchased in 2024; and

WHEREAS, Council has determined that it is in the best interest of the City and has further determined the health, safety, and welfare of the community to be advanced by accepting the aforementioned grant and purchasing the said MARCs radios this year rather than in 2025.

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

1. That the City Manager and Finance Director are authorized to take such steps as are necessary to accept the aforementioned grant for the purchase of MARCS radios for use by the Fire Department in 2024 with the total cost to the City of Clayton to be \$15,619.68.
2. That the five-year capital improvement budget appended hereto as **Exhibit A** shall be amended to reflect the purchase for the aforesaid MARCS radios will occur in 2024 rather than

2025 and to facilitate such other amendment(s) to said CIP Budget which are necessitated by the fact that this purchase will occur in 2024 rather than 2025.

ADOPTED BY COUNCIL ON MARCH 21, 2024

RESOLUTION NO. R – 03 – 24 – 21

A RESOLUTION APPROVING THE CITY MANAGER’S DESIGNATION OF QUALIFIED ADMINISTRATIVE OFFICERS OF THE CITY TO PERFORM THE POWERS, DUTIES, AND FUNCTIONS OF THE CITY MANAGER DURING THE CITY MANAGER’S TEMPORARY ABSENCE FROM THE CITY OR DURING DISABILITY

WHEREAS, Charter Section 5.03(A) provides that the City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform her powers, duties and functions during her temporary absence from the City or during her disability; and

WHEREAS, Charter Section 5.03(A) provides that such designation by the City Manager shall not be effective until Council has approved it by a majority vote of the members of Council; and

WHEREAS, in accordance with Charter Section 5.03(A), the City Manager has filed with the Clerk of Council the letter appended hereto designating qualified administrative officers of the City to perform her powers, duties and functions during her temporary absence from the City or during disability.

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

1. That the letter appended hereto and which the City Manager has caused to be filed with the Clerk of Council designating qualified administrative officers of the City to perform her powers, duties and functions during her temporary absence from the City or during disability is hereby approved.

ADOPTED BY COUNCIL ON MARCH 21, 2024

RESOLUTION NO. R – 03– 24 – 22

A RESOLUTION PURSUANT TO CHARTER SECTION 12.05 AUTHORIZING THE CITY MANAGER TO PERFORM THE DUTIES OF DIRECTOR OF DEVELOPMENT

WHEREAS, Charter Section 12.05 provides, “Unless otherwise permitted by this Charter, the City Manager must obtain approval of Council before serving in more than one position with the City of Clayton.”

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

1. That, in accordance with Charter Section 12.05, the City Manager is hereby authorized to perform the duties of Director of Development.

ADOPTED BY COUNCIL ON MARCH 21, 2024
