

Ordinance No. \_\_\_\_\_

**AN ORDINANCE RATIFYING THE CONVEYANCE OF MUNICIPAL  
PROPERTY LOCATED AT SOUTH JACKSON STREET TO THE  
COMMUNITY IMPROVEMENT CORPORATION**

**WHEREAS**, Council authorized the conveyance of park property on S. Jackson Street to the Community Improvement Corporation ("CIC") in Ordinance No. 8205 on February 25, 2020; and,

**WHEREAS**, Rule 25 of the Rules of Conduct and Procedure ("Rules") permit Council to "confer authority to execute...contracts by ratification of prior acts of Council; and,

**WHEREAS**, since the passage of Ordinance No. 8205, the City has been unable to transfer the property due to a title issue that required a Release of Deed Restriction from the Governor of the State of Ohio; and,

**WHEREAS**, the parties have resolved the title issues and remain willing to proceed with the transfer;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** Pursuant to Rule 25 of the Rules of Conduct and Procedure, Council ratifies Ordinance No. 8205 and authorizes the sale of the property depicted hereto in "Exhibit A."

**Section 2:** The City Administrator is authorized to execute any and all necessary conveyance instruments necessary to effect this transaction.

**Section 3:** The Finance Director is authorized to pay any costs associated with this transfer from Line 101-172-52-963000 of the 2022 annual budget.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 5:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING ENTRY INTO A CROSSING AGREEMENT WITH THE MICHIGAN SOUTHERN RAILROAD COMPANY AND DECLARING AN EMERGENCY**

**WHEREAS**, the existing waterline adjacent to West High Street from Clinton Street to Harding Street requires total replacement; and,

**WHEREAS**, the City plans to resurface West High Street from the Clinton Street intersection to the western municipal boundary as part of the project; and,

**WHEREAS**, the planned waterline replacement and street resurfacing requires the crossing of a railroad owned by Michigan Southern Railroad Co. ("the Railroad"); and,

**WHEREAS**, the City and Railroad have negotiated an agreement that would give the City rights to establish the waterline crossing for \$25,000.00 payable one-time up front; and,

**WHEREAS**, Council finds that entry into these agreements will enhance the Connectivity Pillar of the Defiance Community Strategic Plan by providing reliable water service to residents and businesses along the West High Street corridor;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is directed to execute a crossing agreement with the Railroad at the cost of \$25,000.00 for the waterline crossing according to the agreement on file in the office of the Law Director.

**Section 2:** The Finance Director is authorized to pay the above-referenced contract prices from Section 1 from appropriated funds allocated by expenditure from Line 591-538-52-980880 of the 2022 annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that immediate entry into this crossing agreement is a necessary step towards completing the desired waterline replacement project. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: \_\_\_\_\_, 2022  
\_\_\_\_\_ President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022  
\_\_\_\_\_ Mayor

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CONTINUED ENGAGEMENT OF  
LOUIS L. MCMAHON, ESQ. AS SPECIAL COUNSEL FOR  
ENVIRONMENTAL COMPLIANCE**

**WHEREAS**, the City is in negotiations with the Ohio Environmental Protection Agency ("OEPA") and the Ohio Attorney General ("OAG") to devise a new Integrated Watershed Improvement Plan ("IWIP") for water quality that would reprioritize wastewater and storm water separation projects and incorporate green infrastructure in a process called *integrated planning*; and,

**WHEREAS**, proper representation of the City in negotiations with the OEPA, and in judicial enforcement proceedings brought by the OAG, requires an attorney with specialized training, experience, and understanding of the pertinent law and regulations; and,

**WHEREAS**, Council authorized the retention of Louis L. McMahon, Esq. of McMahon DeGulis llp in Ordinance No. 8135 on June 4, 2019 and Mr. McMahon demonstrated a high level of competence in negotiating with OEPA on behalf of the City thus far; and,

**WHEREAS**, the City desires to continue to contract with the law firm of McMahon DeGulis llp for the next phase of developing a new IWIP with the OEPA; and,

**WHEREAS**, Council finds that this engagement supports the guiding principal of Vitality in the Defiance Community Strategic Plan by developing a long-term, sustainable plan to improve water quality and avoid costly penalties;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** In accordance with Codified Ordinance §§151.02 and 151.03(e), the City Administrator is directed to execute the engagement contract for legal services with Louis L. McMahon, Esq. of McMahon DeGulis llp now on file in the office of the Law Director according to the proposed fees with a deposit *not to exceed \$30,000.00* absent further legislation.

**Section 2:** The Finance Director is authorized to pay the billable hour costs incurred in accordance with the agreement authorized by Section 1 from Line 589-540-52-973004 of the 2022 annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2022 \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022 \_\_\_\_\_  
Mayor

# Ordinance No. \_\_\_\_\_

## AN ORDINANCE AMENDING SECTION 147.16 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

**WHEREAS**, Codified Ordinance 147.20 requires Council to annually review the compensation of non-bargaining personnel; and,

**WHEREAS**, Charter Section 2.12(4) authorizes Council to fix the number of employees in the various departments of the City and fix the rate of their compensation; and,

**WHEREAS**, Council finds that the salary ranges established by §147.16 of the Codified Ordinances have not been adjusted for inflation or to reflect changes in the prevailing wages being paid for like kind work since 2017; and,

**WHEREAS**, Council finds that, over time, disparities can arise that call for the adjustment of compensation for various individual positions and/or classifications;

**Now, therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1.** Effective May 1, 2022, §147.16 is amended to provide (deleted text ~~stricken~~, newly added text in *italics*):

**147.16 SALARY RANGES FOR NONBARGAINING POSITIONS.**

Each employee appointed to a nonbargaining position in the service of the City that has been assigned a pay classification by the Civil Service Commission shall be paid a salary that is equal to or more than the minimum and equal to or less than the maximum salary herein provided:

Pay Class	Minimum	25th%	50th%	Maximum
A	<del>62,863</del> <i>69,149</i>	<del>70,721</del> <i>77,793</i>	<del>78,578</del> <i>86,435</i>	<del>94,295</del> <i>103,725</i>
B	<del>60,005</del> <i>66,006</i>	<del>67,506</del> <i>74,257</i>	<del>75,005</del> <i>82,506</i>	<del>90,006</del> <i>99,007</i>
C	<del>58,290</del> <i>64,119</i>	<del>65,576</del> <i>72,134</i>	<del>72,863</del> <i>80,149</i>	<del>87,436</del> <i>96,180</i>
D	<del>55,433</del> <i>60,976</i>	<del>62,361</del> <i>68,597</i>	<del>69,291</del> <i>76,220</i>	<del>83,149</del> <i>91,464</i>
E	<del>51,981</del> <i>57,179</i>	<del>58,479</del> <i>64,327</i>	<del>64,978</del> <i>71,475</i>	<del>77,973</del> <i>85,770</i>
F	<del>48,004</del> <i>52,804</i>	<del>54,004</del> <i>59,404</i>	<del>60,005</del> <i>66,006</i>	<del>72,006</del> <i>79,207</i>
G	<del>44,461</del> <i>48,907</i>	<del>50,020</del> <i>55,022</i>	<del>55,579</del> <i>61,137</i>	<del>66,694</del> <i>73,363</i>
H	<del>41,146</del> <i>45,261</i>	<del>46,289</del> <i>50,918</i>	<del>51,433</del> <i>56,576</i>	<del>63,598</del> <i>69,957</i>
I	<del>39,431</del> <i>43,374</i>	<del>44,360</del> <i>48,796</i>	<del>49,290</del> <i>54,219</i>	<del>59,146</del> <i>65,061</i>
J	<del>32,446</del> <i>35,691</i>	<del>36,503</del> <i>40,153</i>	<del>40,558</del> <i>44,613</i>	<del>48,670</del> <i>53,537</i>
K	<del>31,433</del> <i>34,576</i>	<del>35,361</del> <i>38,897</i>	<del>39,316</del> <i>43,248</i>	<del>47,148</del> <i>51,862</i>
L	<del>30,288</del> <i>For pay purposes only, see current AFSCME Wage Scale, Range 4 and relevant language on Step Increases .</i>	<del>34,075</del>	<del>37,863</del>	<del>45,433</del>
M	<del>24,916</del>	<del>28,030</del>	<del>31,146</del>	<del>37,375</del>

**Section 2.** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that wages authorized by this Ordinance will become due and payable in less than 30 days. As such, this Ordinance shall

be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: \_\_\_\_\_, 2022 \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022 \_\_\_\_\_  
Mayor