



AGENDA
ATHENS CITY COUNCIL
MONDAY, NOVEMBER 4, 2024 AT 7:00 PM

e-mail: dwalker@ci.athens.oh.us

Streaming is available at www.ci.athens.oh.us/video

- 1. Establish Quorum**
- 2. Disposition of Minutes:**
 - Regular Session held October 21, 2024
- 3. Communications**
- 4. Reports and Communications from Other Elected Officials**
- 5. Ordinances for Third Reading:**

0-95-24

AN ORDINANCE AUTHORIZING DISPOSAL OF EQUIPMENT AND VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

Introduced by Council Member Spjeldnes

0-96-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A BUYOUT AGREEMENT FOR THE CARPORT-MOUNTED SOLAR ARRAY AT THE COMMUNITY CENTER.

Introduced by Council Member McCarey

0-97-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.07, STORM WATER REGULATIONS, SECTIONS 5.07.14, APPEAL OF NOTICE OF VIOLATION, AND 5.07.15, ENFORCEMENT MEASURES AFTER APPEAL.

Introduced by Council Member McCarey

0-98-24

AN ORDINANCE APPROVING THE ATHENS-HOCKING SOLID WASTE MANAGEMENT PLAN.

Introduced by All Members of Council

6. Ordinances for Second Reading:

0-101-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES.

Introduced by All Council Members

0-103-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

Introduced by Council Member Risner

0-104-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR THE NEXT PHASE OF CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AMENDING ORDINANCE 10-24; AND DECLARING AN EMERGENCY.

Introduced by Council Member Risner

0-105-24

AN ORDINANCE AUTHORIZING PARTICIPATION IN FEDERAL GENERAL SERVICES ADMINISTRATION (GSA), A COOPERATIVE PURCHASING PROGRAM.

Introduced by Council Member Risner

0-108-24

AN ORDINANCE AUTHORIZING DESIGN AND CONSTRUCTION OF A PUBLIC SAFETY TRAINING FACILITY, PROJECT #373.

Introduced by Council Member McCarey

7. Ordinances for First Reading:

0-112-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE OPERATION OF THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA).

Introduced by Council Member Risner

0-113-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

Introduced by Council Member Risner

0-114-24

AN ORDINANCE AMENDING ORDINANCE 131-23, THE 2024 STAFFING LEVELS AND PAY GRADES IN THE MAYOR'S OFFICE; AND DECLARING AN EMERGENCY.

Introduced by the Finance & Personnel Committee

0-115-24

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2025.

Introduced by the Finance & Personnel Committee

0-116-24

AN ORDINANCE AUTHORIZING 2025 NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

Introduced by the Finance & Personnel Committee

0-117-24

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

Introduced by the Finance & Personnel Committee

0-118-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS, FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2025.

Introduced by Council Member Risner

0-119-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE SECTIONS 23.03.11(D), ACCESSORY STRUCTURES AND ACCESSORY ENERGY SYSTEMS, AND 23.03.12(B), PRINCIPAL RENEWABLE ENERGY SYSTEMS.

Introduced by Council Member Swank

8. One-Reading Resolution:

- **R-09-24**

A RESOLUTION SUPPORTING THE TENTATIVE AWARD OF CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330.

Introduced by Council Member McCarey

9. Announcements & Other Business:

- Appointment of Credit Card Compliance Officer

10. Opportunity for Citizens to Speak on Legislative Items and City Services Not Covered on the Agenda

11. Adjournment

Sam Crawl
President of Council

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

0-95-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING DISPOSAL OF EQUIPMENT AND VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council hereby declares the following equipment no longer needed for a municipal purpose:

<u>EQUIPMENT</u>	<u>SERIAL/VIN #</u>	<u>FIXED ASSET#</u>
(Fire) Foam Box Trailer	48B500G21W1033840	800233

SECTION II: The above-listed equipment is hereby authorized for donation to the Albany Volunteer Fire Department.

SECTION III: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-96-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A BUYOUT AGREEMENT FOR THE CARPORT-MOUNTED SOLAR ARRAY AT THE COMMUNITY CENTER.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to enter into a buyout agreement for the carport-mounted solar array at the Community Center, in substantially the same form as attached hereto and incorporated herein by reference.

SECTION II: The 2024 Appropriation Ordinance 0-130-23, is hereby amended by appropriating from the unappropriated balance the following sums:

Thirty-Five Thousand Dollars (\$35,000.00) to Community Center Fund, 271, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) to Capital Improvements Fund, 580, T.C. 500, and increasing the total appropriations by said amounts.

SECTION III: The Service-Safety Director is hereby authorized to expend up to Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) for said buy-out as follows:

Thirty-Five Thousand Dollars (\$35,000.00) from Community Center Fund, 271, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) from Capital Improvements Fund, 580, T.C. 500.

SECTION IV: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

BILL OF SALE

SL BUCKEYE SOLAR I LLC, an Ohio limited liability company (“Grantor”), in consideration of the sum of TWO HUNDRED THIRTY-ONE THOUSAND FOUR HUNDRED FIFTY-FIVE and 00/100 Dollars (\$231,455.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby assign, grant, sell, transfer and deliver to **CITY OF ATHENS** (“Grantee”), all right title and interest of the Grantor in the several items of personal property described in Schedule “A” attached hereto and by this reference made a part hereof.

Grantee is acquiring the aforesaid property above in reliance upon its personal inspection and knowledge of the property and in a fully operational condition, and hereby acknowledges receipt and acceptance thereof.

GRANTOR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE EXCEPT THAT (1) GRANTEE WILL ACQUIRE, BY THE TERMS OF THIS BILL OF SALE, TITLE TO THE AFORESAID PROPERTY FREE FROM ALL LIENS, ENCUMBRANCES AND RESTRICTIONS; AND (2) GRANTOR HAS THE RIGHT TO SELL AND CONVEY THE PROPERTY. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, GRANTOR MAKES NO OTHER WARRANTIES WITH RESPECT TO THE PROPERTY INCLUDING THE QUALITY, CONTENT, CONDITION, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE AFORESAID PROPERTY. ANY DISPUTES SHALL BE GOVERNED BY THE LAWS OF THE STATE OF OHIO.

IN WITNESS WHEREOF, this Bill of Sale is hereby executed this ____ day of _____, 2024.

GRANTOR:

SL BUCKEYE SOLAR I LLC

By: _____

Name: William C. Zachary

Title: Authorized Signatory

ACKNOWLEDGEMENT AND ACCEPTANCE:

GRANTEE:

CITY OF ATHENS

By: _____

Name:

Title:

ACKNOWLEDGMENT PAGE

TO

BILL OF SALE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, personally known to me to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his said capacities, and that by his signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

STATE OF OHIO)
) ss.:
COUNTY OF ATHENS)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of Ohio, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and he/she acknowledged to me that he/she executed the same in his/her said capacity, and that by his/her signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of Ohio

Schedule “A”

1. Approximately 936 Sharp NU-U240F1 240W modules, two (2) 100kW central inverters manufactured by PVPowered, all steel parking canopy structures, and all associated solar photovoltaic generating system machinery, equipment, fixtures and other tangible personal property owned by Grantor located on the grounds of and within the Athens Community Center, 701 E. State Street, Athens, OH 45701 (the “Facility”).
2. All rights to Environmental Attributes¹ related to the Facility.
3. All rights to the digital generator account for the Facility on the PJM-EIS Generation Attribute Tracking System (“GATS”).
4. All federal, state, or local permissions and certifications related to Environmental Attributes, including but not limited to:
 - a. the Facility’s qualification in the State of Ohio as a Solar Renewable Energy Source with a State Certification Number of 11-SPV-OH-GATS-0159;
 - b. the Facility’s qualification in the Commonwealth of Pennsylvania as a Tier I Renewable Energy Source with a State Certification Number of PA-36182-NSTI-I; and
 - c. the Facility’s qualification in the Commonwealth of Virginia as Renewable with a State Certification Number of VA-009840-SUN.
5. All Environmental Attributes held by Grantor and having arisen from generation occurring on or after January 1, 2024 shall be immediately turned over via certificate transfer to the inbox of a GATS account named by Grantee, with such definitions provided by PJM-EIS.

¹ “Environmental Attributes” means any and all credits, benefits, emissions reductions, offsets, and allowances, howsoever entitled, attributable to the Facility, the production of electrical energy from the Facility and its displacement of conventional energy generation, including (a) any avoided emissions of pollutants to the air, soil or water such as sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO) and other pollutants; (b) any avoided emissions of carbon dioxide (CO2), methane (CH4), nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and other greenhouse gases (GHGs) that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law, to contribute to the actual or potential threat of altering the Earth’s climate by trapping heat in the atmosphere; and (c) the reporting rights related to these avoided emissions, such as Green Tag Reporting Rights and Renewable Energy Credits. Green Tag Reporting Rights are the right of a party to report the ownership of accumulated Green Tags in compliance with federal or state law, if applicable, and to a federal or state agency or any other party, and include Green Tag Reporting Rights accruing under Section 1605(b) of The Energy Policy Act of 1992 and any present or future federal, state, or local law, regulation or bill, and international or foreign emissions trading program. Without limiting the generality of the foregoing, Environmental Attributes include carbon trading credits, renewable energy credits or certificates, emissions reduction credits, emissions allowances, green tags tradable renewable credits and Green-e® products.

EARLY TERMINATION
OF
SOLAR POWER PURCHASE AGREEMENT

This Early Termination of Solar Power Purchase Agreement (this “**Termination**”) is entered into this date of _____, 2024 (“**Execution Date**”) by and between SL Buckeye Solar I LLC, an Ohio limited liability company (“**Licensee**”) and the City of Athens, a _____ (“**Host**”). Licensee and Host are herein collectively referred to as the “**Parties**”, or individually as a “**Party**”.

WHEREAS, the Parties are parties to that certain Solar Power Purchase Agreement dated as of February 26, 2010, to which that certain Site License Agreement dated the same is exhibited (together with the Site License Agreement and all other exhibits, the “**SPPA**”).

WHEREAS, Licensee is a party to the SPPA by virtue of assignment;

WHEREAS, capitalized terms not defined herein shall have the meaning ascribed to them in the SPPA;

WHEREAS, there currently exists no Event of Default under the SPPA on the part of either Licensee or Host;

WHEREAS, Commercial Operation Date under the SPPA is November 10, 2010;

WHEREAS, the twenty-year Term of the SPPA ends at 11:59pm on November 9, 2030;

WHEREAS, Host has elected to terminate the SPPA early and for convenience pursuant to SPPA Section 3.1.2; and

WHEREAS, Licensee has agreed to such early termination for convenience pursuant to the terms of that certain Bill of Sale with Host as “Grantor” dated _____, 2024;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the Parties agree to the following provisions of this Termination:

1. **TERMINATION.** Upon consummation of the transaction described in the Bill of Sale and the receipt by Licensee of the related consideration paid by Host under such Bill of Sale, the SPPA shall be terminated in its entirety. For the avoidance of doubt, this Termination is only effective if payment by Host to Licensee is paid and received in full.
2. **DATE OF END OF HOST’S OBLIGATION TO PURCHASE ELECTRICITY.** Strictly with regard to Host’s obligation under the SPPA to purchase electricity from Host, this Termination shall be effective as of January 1, 2024. For the avoidance of

doubt, Host shall not receive an invoice from Licensee for settlement of the purchase and sale of electric power for any period in the calendar year 2024.

3. **NO LIABILITY OR CONTINUING OBLIGATIONS.** Upon consummation of the transaction described in the Bill of Sale, Licensee shall hereby forever be released from all liability, indemnification, or any right or obligation under the SPPA with no exception.
4. **BINDING AGREEMENT.** This Termination shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, executors, administrators, successors, and assigns. Each Party represents, warrants, and certifies to the other Party that the person signing this Termination on behalf of such Party below has authority to bind the Party to this Termination and that this Termination will legally bind the Parties. To the extent that the practices, policies, or procedures of any Party, now or in the future, are inconsistent with the terms of this Termination, the provisions of this Termination shall control.
5. **NO DEFAULT.** This Termination does not constitute a default under the SPPA, which, if not terminated through the consummation of the transaction contemplated in the Bill of Sale described in Item 1 above, is otherwise in full force and effect.
6. **THIS TERMINATION** shall be construed in accordance with, and be governed by the laws of the State of Ohio.

[the remainder of this page is left intentionally blank; signature page to follow]

IN WITNESS THEREOF, the Parties have caused this Early Termination of Solar Power Purchase Agreement to be executed by their duly authorized representatives on the Execution Date:

SL BUCKEYE SOLAR I LLC

CITY OF ATHENS

By: _____

By: _____

Name: William C. Zachary
Title: Authorized Signatory

Name:
Title:

TO

EARLY TERMINATION OF SOLAR POWER PURCHASE AGREEMENT

Page 13 of 71

AFFIDAVIT

This Affidavit is furnished in connection with that certain BILL OF SALE dated as of _____, 2024 and that certain EARLY TERMINATION OF SOLAR POWER PURCHASE AGREEMENT, dated as of the same (collectively, the “**Agreements**”), by and between the City of Athens (“Athens”) and SL Buckeye Solar I LLC (“Buckeye I”). Unless otherwise defined herein, terms defined in the Agreements and used herein shall have the meanings given to them in the Agreements.

The undersigned, William C. Zachary, hereby certifies that he is the duly appointed, acting and qualified Authorized Signatory of Buckeye I.

The undersigned does hereby further certify, solely in his capacity as Authorized Signatory of Buckeye I and not in his personal capacity and without personal liability therefore, on behalf of Buckeye I, as of the date first written above, that:

- (a) Attached hereto as Attachment A is a true, accurate and complete copy of the resolutions adopted by the Buckeye I’s Manager duly authorizing the execution, delivery and performance by Buckeye I of all executable main or ancillary documents related to the Purchase Agreement transaction. Such resolutions have not been modified, rescinded or amended and remain in full force and effect on the date hereof, and no other resolutions have been adopted by Buckeye I’s Manager in contradiction thereof.
- (b) Attached hereto as Attachment B is an incumbency certificate of Buckeye I dated as of the date hereof. Each person named on Attachment B is duly appointed and acting as an officer of Buckeye I, holding the respective title set opposite such officer’s name, the signature set opposite such officer’s name is such officer’s genuine signature, and each of the officers listed on Attachment B is authorized to execute the Agreements and all agreements to which Buckeye I is a party.

[the remainder of this page is intentionally left blank; signature page to follow]

IN WITNESS WHEREOF, the undersigned has executed this Affidavit as of the date first set forth above.

**SL BUCKEYE SOLAR I LLC, an Ohio
limited liability company**

By: _____
Name: William C. Zachary
Title: Authorized Signatory

ACKNOWLEDGMENT PAGE

TO

AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, personally known to me to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his said capacities, and that by his signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

ATTACHMENT A
BUCKEYE I RESOLUTION

WRITTEN CONSENT TO ACTION
AND RESOLUTION OF THE SOLE MANAGER OF
SL BUCKEYE SOLAR I LLC

Regarding the transaction as described in that certain

BILL OF SALE dated _____, 2024

and that certain

EARLY TERMINATION OF SOLAR POWER PURCHASE AGREEMENT dated _____, 2024

(collectively, the “Agreements”)

The undersigned, are the authorized signatory for the sole manager (the “**Sole Manager**”) of SL BUCKEYE SOLAR I LLC, an Ohio limited liability company (“**Buckeye I**”), hereby consent to the following, with all capitalized terms defined herein having the definitions ascribed to them in the Agreements:

WHEREAS, Buckeye I desires to sell the Facility and terminate that certain related Solar Power Purchase Agreement dated February 26, 2010 (the “**SPPA**”), and the City of Athens desires to receive the Facility and terminate the SPPA, as contemplated in the Agreements between Buckeye I and the City of Athens; and

WHEREAS, the undersigned constituting the Sole Manager’s consent to, and take, this action, in accordance with, and as authorized by, that certain Limited Liability Company Operating Agreement of Buckeye I.

NOW, THEREFORE, BE IT RESOLVED, that Buckeye I be, and hereby is authorized to sell the Facility and terminate the SPPA, and further undertake all other transfers and obligations contemplated in the Agreements and execute any other documents as may be necessary or required to effectuate the Agreements;

FURTHER RESOLVED, that William C. Zachary, as Authorized Signatory of Buckeye I, is authorized to make such additions, deletions, or changes to the Agreements, including their respective exhibits and schedules as the

either executing the same shall approve (such execution and delivery to be conclusive evidence of his approval of any such additions, deletions, or changes);

FURTHER RESOLVED, that William C. Zachary is authorized to sign and execute and deliver the Agreements and any other Transaction Documents as may be necessary, desired or required to effectuate the foregoing transactions;

FURTHER RESOLVED, that William C. Zachary is authorized to take or cause to be taken all further actions necessary or appropriate to effectuate the foregoing resolutions, and any actions taken by him, or hereafter taken by him, within the intent of the foregoing resolutions are ratified, adopted, and approved as the acts of Buckeye I.

Effective as of the last date of signing.

SOLAR INVESTMENT MANAGEMENT COMPANY, LLC, a Delaware limited liability company, as Sole Manager of SL BUCKEYE SOLAR I LLC, an Ohio limited liability company

By: _____
Name: Stacey L. Hughes
Title: Authorized Signatory
Date:

ACKNOWLEDGMENT PAGE

TO

BUCKEYE I RESOLUTION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared Stacey L. Hughes, personally known to me to be the individual whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same in her said capacities, and that by her signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

ATTACHMENT B
BUCKEYE I INCUMBENCY

<u>Name</u>	<u>Title</u>	<u>Signature</u>
1. William C. Zachary	Authorized Signatory	
2. Edouard Klehe	Authorized Signatory	
3. Stacey L. Hughes	Authorized Signatory	

ACKNOWLEDGMENT PAGE

TO

BUCKEYE I INCUMBENCY

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, Stacey L. Hughes, and Edouard Klehe personally known to me to be the individuals whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same in their said capacities, and that by their signature on the instrument, the individuals or the persons upon whose behalf of which the individuals acted, executed the instrument.

Notary Public, State of New York

0-97-24

Introduced by Council Member McCarey
City & Safety Services Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.07, STORM WATER REGULATIONS, SECTIONS 5.07.14, APPEAL OF NOTICE OF VIOLATION, AND 5.07.15, ENFORCEMENT MEASURES AFTER APPEAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code, Title 5, Public Utilities, Chapter, 5.07., Storm Water Regulations, Sections 5.07.14, Appeal of Notice of Violation, and 5.07.15, Enforcement Measures After Appeal, are hereby amended to read as follows:

5.07.14. - Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the service-safety director. The notice of appeal must be received within **thirty (30)** days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or their designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

5.07.15. - Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within **thirty (30)** days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, the representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-98-24

Introduced by All Members of Council

AN ORDINANCE APPROVING THE ATHENS-HOCKING SOLID WASTE MANAGEMENT PLAN.

WHEREAS, the City of Athens in Athens County is located within the Athens-Hocking Solid Waste District; and

WHEREAS, the Athens-Hocking Solid Waste District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with ORC Sections 3734.53, 3734.54, and 3734.55; and

WHEREAS, the Athens-Hocking Solid Waste District has provided a copy of the Adopted Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of Athens must decide whether it approves of said Solid Waste Management Plan within ninety (90) days of receipt of the Final Plan;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council does hereby approve the Athens-Hocking Solid Waste Management Plan adopted by the Athens-Hocking Solid Waste District Board of Directors on September 4, 2024.

SECTION II: The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Athens-Hocking Solid Waste District.

SECTION III: This Council finds and determines that all formal actions of Council concerning and relating to the passage of this Ordinance were taken 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 action were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION IV: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-101-24

Introduced by All Members of Council

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Effective January 1, 2025, Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, Section 5.04.08, Sewer Rates, are hereby amended to read as follows:

Section 5.04.08, Sewer Rates

Residential	\$6.00	\$6.18
Commercial	\$6.79	\$6.99
Industrial	\$7.49	\$7.71

The monthly base rate charge is as follows:

<u>Base Rate per 1000 gallons</u> <u>(metered amounts as noted above)</u>		<u>Monthly Base</u> <u>Rate Charge</u>	
0	- 15	\$ 31.34	\$ 32.28
16	- 50	\$ 54.18	\$ 55.81
51	- 100	\$ 139.22	\$ 143.40
101	- 200	\$ 224.42	\$ 231.15
201	- 500	\$ 431.44	\$ 444.38
501	- 1000	\$ 887.74	\$ 914.37
1001	- 2500	\$1,567.05	\$1,614.06
2501	- 5000	\$1,933.92	\$1,991.94
5000+		\$2,480.60	\$2,555.01

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-103-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance 130-23 is hereby amended by appropriating from the unappropriated balance the following sums:

Twenty-Five Thousand Dollars (\$25,000.00) to Cable Access Fund, 215, T.C. 500, to replace The Government's Channel's video switcher system;

One Thousand Five Hundred Dollars (\$1,500.00) to CDBG Formula Grant Fund, 248, T.C. 300, for payments covering general administration, fair housing, and CHIP program expenses; and

Forty-Five Thousand Dollars (\$45,000.00) to Sewer Fund, 750.637, T.C. 300, to cover electric costs for AEP and Oak Tree Equity (solar), and increasing the total appropriations by said amounts.

SECTION II: The 2024 Appropriation Ordinance 130-23 is hereby amended by decreasing Transportation Assistance Fund, 214, T.C. 500, capital outlay, by Forty-Four Thousand Four Hundred Sixty-Five Dollars (\$44,465.00), and increasing Transportation Assistance Fund, 214, T.C. 300, professional services, by the same amount, to allow all future transit payments to be made from an operating fund line, and increasing and decreasing the total appropriations by said amount.

SECTION III: This Ordinance shall be in effect and full force upon passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-104-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR THE NEXT PHASE OF CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AMENDING ORDINANCE 10-24; AND DECLARING AN EMERGENCY.

WHEREAS, the City is preparing for the next phase of this project, the bikeway force main;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance, 0-130-23 is hereby amended by appropriating from the unappropriated balance the sum of One Million Seven Hundred Eighty-Seven Thousand Two Hundred Fifteen Dollars (\$1,787,215.00) to Sewer Fund, Plant, 750.637, T.C. 500, for the bikeway force main, and increasing the appropriations by said amount.

SECTION II: Section II of Ordinance 10-24 is hereby amended to read as follows:

Section II: The Service-Safety Director is hereby authorized to expend up to ~~Two Million One Hundred Seven Thousand Three Hundred Fifty Dollars (2,107,350.00)~~ **Three Million Eight Hundred Ninety-Four Thousand Five Hundred Sixty-Five Dollars (\$3,894,565.00)** from Sewer Fund, Plant, 750, T.C. 500, for said Project #330.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order that bids can be accepted as soon as the City receives OEPA approval to do so, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-105-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING PARTICIPATION IN FEDERAL GENERAL SERVICES ADMINISTRATION (GSA), A COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Ohio Revised Code Section 9.48 provides the opportunity for political subdivisions to participate in a joint purchasing program operated by or through a national or state association for the acquisition of equipment, materials, supplies or services; and

WHEREAS, through participation in said association the City of Athens is exempt from any competitive selection procedures, otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within the State of Ohio or in another state;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to register with the federal General Services Administration (GSA), a cooperative purchasing Program for the purpose of participating in a joint purchasing program in which the City of Athens is eligible for membership, for the acquisition of equipment, materials, supplies or services.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-108-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AUTHORIZING DESIGN AND CONSTRUCTION OF A PUBLIC SAFETY TRAINING FACILITY, PROJECT #373.

WHEREAS, there will be future water and street appropriations requested for this project in order to connect the water line and road from the end of Kenny Drive to Elliottsville Road in order to increase access and redundancy in the water system; and

WHEREAS, the City has received 2024 State Capital Bill funding in the amount of \$2.5 million; and

WHEREAS, the City will be utilizing the federal General Services Administration (GSA) cooperative purchasing program, and competitive bidding is not required;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the following sums:

Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Safety Services Fund, 206, T.C. 500;

Two Hundred Thousand Dollars (\$200,000.00) to Street Fund, 220, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) to Water Fund, 740, T.C. 500; for said Public Safety Training Facility, and increasing the total appropriations by said amounts.

SECTION II: The Service Safety Director is hereby authorized to expend up to Two Million Nine Hundred Thousand Dollars (\$2,900,000.00) as follows:

Two Million Five Hundred Thousand Dollars (\$2,500,000.00) from Safety Services Fund, 206, T.C. 500;

Two Hundred Thousand Dollars (\$200,000.00) from Street Fund, 220, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) from Water Fund, 740, T.C. 500 for Project #373.

SECTION III: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. **0-112-24** Passed _____, 20____

Introduced by Council Member Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE OPERATION OF THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Mayor is hereby authorized to enter into an agreement to provide financial support from the City's Transient Guest Tax, paid into the General Fund, to the Outdoor Recreation Council of Appalachia (ORCA), a Regional Council of Governments (COG) for the operation of ORCA, provided that the proceeds of such tax are sufficient, legally available, and lawfully appropriated for the purpose, and the City's General Fund reserve balance is 9% or higher. A copy of said agreement is attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

AGREEMENT

PARTIES: This Agreement is entered into by and between the City of Athens, Ohio, hereinafter referred to as “City” and the Outdoor Recreation Council of Appalachia, hereinafter referred to as “ORCA.”

PURPOSE: This Agreement is for the purpose of providing financial support for the operation of ORCA and shall continue from year to year and be in effect until withdrawn by the City. In such a case, the City shall notify the ORCA Board in writing ninety (90) days prior to withdrawal as set forth below. This Agreement shall replace and supersede any prior Agreements.

ORCA AGREES:

- 1) Any prior Agreements, including the Agreement attached to Athens City Ordinance 110-19, entered into between ORCA and the City, are **null and void**. Further, the City is hereby released from all financial obligations on any prior agreements, including the financial obligation referred to in Athens City Ordinances 110-19 and 45-24.
- 2) To use the sum paid by the City for the purpose of integrating conservation, outdoor recreation, and economic development in a way that strengthens and inspires communities in Southeast Ohio and to develop outdoor recreation opportunities across governmental boundaries that create sustainable and equitable economic development, inspiring communities throughout Appalachian Ohio.
- 3) To provide to Athens City Council by the end of the first quarter of each calendar year, a complete written accounting of all expenditures of funds and activities of ORCA in which City funds were expended during the preceding twelve (12) month period.

CITY AGREES:

- 1) To pay Annual Membership Dues to ORCA by the end of the first quarter of each calendar year in an amount equaling one dollar for each resident of the City. Payment amounts will correspond with current Census population data
- 2) For calendar year 2024, the City will pay ORCA the sum of \$24,673, for 2024 Annual Membership Dues, which is due and payable upon signing of this agreement as authorized by Athens City Council.
- 3) For calendar year 2025 and thereafter, the City will pay the Annual Membership Dues to ORCA by the end of the first quarter of each calendar year.
- 4) If the City wishes to withdraw from ORCA, the City shall notify the ORCA Board in writing ninety (90) days prior to withdrawal. Withdrawal will be final after the ninetieth (90th) day, EXCEPT THAT all obligations, financial or otherwise, to ORCA assumed by the City prior to submitting the notice of intent to withdraw shall continue until the end of ORCA’s then-current Fiscal Year.

For the City of Athens, Ohio:

Steve Patterson, Mayor

Date

For the Outdoor Recreation Council of Appalachia

Director:

Date

Director:

Date

Director:

Date

Director:

Date

Director:

Date

Approved as to Form:

Lisa A. Eliason, Athens City Law Director

Date

0-113-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance 130-23 is hereby amended by appropriating from the unappropriated balance the following sums needed for the 2024 Medical Fund and personnel costs:

Twenty Thousand Dollars (\$20,000.00) to General Fund, Auditor, 101.102, T.C. 100;

Twenty Thousand Dollars (\$20,000.00) to General Fund, Law Director, 101.104, T.C. 100;

Eleven Thousand Dollars (\$11,000.00) to General Fund, Council, 101.105, T.C. 100;

Twelve Thousand Dollars (\$12,000.00) to General Fund, Lands & Buildings, 101.112;

Thirty Thousand Dollars (\$30,000.00) to General Fund, Police, 101.207, T.C. 100;

One Hundred Fifty Thousand Dollars (\$150,000.00) to General Fund, Fire, 101.208, T.C. 100;

Eleven Thousand Dollars (\$11,000.00) to General Fund, Parking Enforcement, 101.718, T.C. 100;

Six Thousand Dollars (\$6,000.00) to Cemetery Fund, 210.115, T.C. 100;

Fifty-One Thousand Dollars (\$51,000.00) to Street Fund, 220.717, T.C. 100;

One Hundred Ten Thousand Dollars (\$110,000.00) to Community Center Operations Fund, 271.940, T.C. 100;

Seventy-Five Thousand Dollars (\$75,000.00) to Water Fund, Plant, 740.637, T.C. 100;

One Thousand Five Hundred Dollars (\$1,500.00) to Sewer Fund, Maintenance, 750.635, T.C. 100;

Thirty Thousand Dollars (\$30,000.00) to Sewer Fund, Plant, 750.637, T.C. 100;

Eight Thousand Dollars (\$8,000.00) to Storm Water Environmental Coordinator Fund, 755.637, T.C. 100; and

Five Thousand Dollars (\$5,000.00) to Sanitation Fund, 760, T.C. 100, and increasing the total appropriations by said amounts.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-114-24

Introduced by the Finance & Personnel Committee

AN ORDINANCE AMENDING ORDINANCE 131-23, THE 2024 STAFFING LEVELS AND PAY GRADES IN THE MAYOR'S OFFICE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Ordinance 131-23, authorized staffing levels and pay grades in the Mayor's Office, are hereby amended to read as follows:

FUND	DEPARTMENT	POSITION	F.T.E.
101.101, General	Mayor	Executive Assistant (Mayor)	1
101.101, General	Mayor	Administrative Coordinator	1
101.101, General	Mayor	Grants Administrator	1
101.101, General	Mayor	Human Resources Director	1
101.101, General	Mayor	Deputy Service-Safety Director	0.7
101.101, General	Mayor	Service-Safety Director	1
101.101, General	Mayor	City Planner	1
101.101, General	Mayor	DEIA/Training Coordinator	1
101.101, General	Mayor	Receptionist	0.73

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare, and safety of the residents of the City of Athens, Ohio, in order to continue to provide efficient delivery of services, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

City of Athens Pay Grades

PAY GRADE	MIN	MID	MAX	POSITION TITLE
12	\$41.79	\$50.66	\$59.54	Service-Safety Director
11	\$38.59	\$47.28	\$55.97	City Engineer/Director of Public Works; Fire Chief; Police Chief; Chief City Prosecutor
10	\$35.40	\$43.37	\$51.34	Human resources Director; Deputy Auditor; APR Director; Director of Code Enforcement; Government Channel Director; Deputy Service-Safety Director
9	\$32.48	\$38.97	\$45.47	Prosecutor; Assistant Law Director/Part-Time Prosecutor; Fire Captain; Police Captain; Assistant City Engineer; WTP Manager; WWTP Manager; City Planner
8	\$29.80	\$35.76	\$41.72	Assistant Director of Arts, Parks and Recreation; Assistant Director of Development, Enforcement and Facilities; Assistant Director of Public Works
7	\$27.34	\$32.81	\$38.28	Building Project Supervisor; Cler of Council*; Lab Technician; Labor Supervisor (APR); Environmental Coordinator; Labor Supervisor (Sewer, Street, Water)
6	\$25.08	\$29.47	\$33.86	Grant Administrator (Mayor); Social Worker; Project Inspector; Income Tax Administrator (2); IT System Administrator
5	\$23.01	\$27.03	\$31.06	Account Administrator I (Auditor); Executive Administrator (Auditor); Account Administrator II (Utilities Billing); Program Specialist (Arts); Program Specialist (APR); Program Specialist (Childcare); Human Resources Coordinator; DEIA Coordinator
4	\$21.12	\$24.81	\$28.50	IT Technician; TGC Technician; Solid Waste Control Inspector; Building Projects Technician; Administrative Coordinator (E/PW)
3	\$19.37	\$22.75	\$26.14	Administrative Assistant II; Account Administrator I (Utilities Billing); Production Specialist (TGC); Executive Assistant (Mayor)
2	\$17.77	\$20.87	\$23.98	Operations Specialist (2); Administrative Assistant; Legal Secretary II
1	\$16.29	\$19.15	\$22.01	General Secretary; Legal Secretary I; Executive Assistant (Mayor); Data Entry Operator; Receptionist

O-115-24

An ORDINANCE to make appropriations for current expenses and other expenditures of the City of Athens, Ohio, during the fiscal year ending December 31, 2025.

SECTION 1. BE IT ORDAINED by the Council of the City of Athens, State of Ohio, that to provide for the current expenditures of the said City of Athens during the fiscal year ending December 31, 2025, the following sums be and they are hereby set aside and appropriated as follows:

SECTION II. That there be appropriated from the following funds:

GENERAL FUND

101

DEPARTMENT	Transaction Classes >>	PERSONNEL	SUPPLIES	DEBT	CAPITAL	TRANSFERS	BUDGET	% of Total
		100	SERVICES 200-300	SERVICE 400	OUTLAY 500	& REFUNDS 600	TOTAL	
MAYOR	101.101	1,024,250	117,060.00	0	2,000	0	1,143,310	5.74
AUDITOR	101.102	599,950	271,100	0	8,000	400,000	1,279,050	6.42
TREASURER	101.103	21,010	4,450	0	0	0	25,460	0.13
LAW DIRECTOR	101.104	659,250	89,800	0	13,000	0	762,050	3.82
COUNCIL	101.105	476,500	132,366	0	2,450	0	611,316	3.07
COURT	101.106	1,057,500	416,000	0	2,000	0	1,475,500	7.40
POLICE	101.207	5,060,500	619,200	0	74,000	0	5,753,700	28.87
FIRE	101.208	4,524,100	482,520	0	37,000	0	5,043,620	25.31
CODE	101.351	774,050	150,700	0	21,500	500	946,750	4.75
PARKING ENFORCEMENT	101.718	525,800	362,800	0	52,500	500	941,600	4.73
LANDS & BLDGS	101.112	717,250	338,250	0	83,000	0	1,138,500	5.71
OTHER ADMIN	101.120	0	796,400	0	8,500	500	805,400	4.04
TOTAL		15,440,160	3,780,646	0	303,950	401,500	19,926,256	100.00
% of Total		77.49	18.97	0.00	1.53	2.01	100.00	

OTHER FUNDS

DEPT	FUND	PERSONNEL 100	SUPPLIES SERVICES 200 & 300	DEBT SERVICE 400	CAPITAL OUTLAY 500	TRANSFERS & REFUNDS 600	BUDGET TOTAL
Safety Services	206	0	0	0	0	0	0
Cemetery	210	111,470	16,850	0	31,000	200	159,520
Tourism	212	0	375,000	0	0	0	375,000
Transportation Assistance	214	0	152,500	0	0	0	152,500
Cable Access	215	0	0	0	11,340	0	11,340
Streets	220	1,481,200	876,899	0	704,820	0	3,062,919
Wheel Tax	226	0	0	0	0	0	0
Judges Court computer	230	0	14,000	0	2,000	23,000	39,000
Clerk of Court Computer	231	0	46,000	0	1,000	0	47,000
Diversion	232	45,740	14,800	0	1,250	0	61,790
Court Comm Corrections	235	71,520	9,050	0	1,000	0	81,570
DUI Court	237	116,600	33,000	0	0	0	149,600
CDBG Formula Grant	248	0	22,000	0	180,000	0	202,000
Athens Enhancement Fund	250	0	27,100	0	0	0	27,100
Recreation	270	1,083,470	515,590	0	88,800	1,250	1,689,110
Community Center Operations	271	770,750	362,485	0	54,500	2,500	1,190,235
APR Income Tax	273	0	28,500	0	295,000	0	323,500
Law Enforcement Trust	293	0	0	0	14,000	0	14,000
ARPA Funds	286	0	0	0	0	0	

Opioid Settlement Fund	287	0	60,000	0	0	0	60,000	
Drug Law Enforcement	294	0	0	0	5,000	0	5,000	
Fire Station Debt Fund	430	0	0	1,000,000	0	0	1,000,000	
APR Debt	450	0	0	445,000	0	0	445,000	
OTHER FUNDS								
DEPT	FUND	PERSONNEL 100	SUPPLIES SERVICES 200 & 300	DEBT SERVICE 400	CAPITAL OUTLAY 500	TRANSFERS & REFUNDS 600	BUDGET TOTAL	
Street Rehab	572	0	0	320,000	0	0	320,000	
Capital Improvements	580	0	0	0	500,000	0	500,000	
Small Cities ODOT	589	0	0	0	3,000,000	0	3,000,000	
Court Capital	592	0	0	0	100,000	0	100,000	
TIF Muni Imp Tax Increm	593	0	470,000	0	0	0	470,000	
DRD	596	0	0	0	0	0	0	
Parking Garage	730	0	171,900	0	0	165,100	337,000	
Parking Garage Debt	733	0	0	163,000	0	0	163,000	
Water Fund - Maintenance	740.635	649,500	288,333	0	519,300	0	1,457,133	
Water Fund - Administration	740.636	440,800	369,450	0	9,000	401,000	1,220,250	
Water Fund - Plant	740.637	1,251,900	882,450	0	217,500	0	2,351,850	5,029,233
WTP Improvement Debt	744	0	0	399,000	0	0	399,000	
Sewer Fund - Maintenance	750.635	640,000	168,147	0	235,251	0	1,043,398	
Sewer Fund - Administration	750.636	387,550	375,850	0	8,700	1,000	773,100	
Sewer Fund - Plant	750.637	1,189,500	971,100	0	107,000	0	2,267,600	4,084,098
Storm Sewer	755.635	0	30,000	0	140,000	0	170,000	
Storm Water Env. Coord.	755.637	55,000	15,550	0	1,500	0	72,050	
Sewer Debt	758	0	0	1,389,000	0	0	1,389,000	
Sanitation	760	330,000	1,803,400	0	54,500	200	2,188,100	
Internal Service - Mechanics	865.645	236,500	81,585	0	5,500	0	323,585	
Internal Service - IT	865.647	179,500	308,650	0	30,000	0	518,150	
Medical Insurance Fund	866	0	5,878,000	0	0	0	5,878,000	
Unclaimed Funds	903	0	0	0	0	5,000	5,000	
OTHER FUNDS TOTAL		9,041,000	14,368,189	3,716,000	6,317,961	599,250	34,042,400	
GENERAL FUND TOTAL		15,440,160	3,780,646	0	303,950	401,500	19,926,256	
GRAND TOTAL		24,481,160	18,148,835	3,716,000	6,621,911	1,000,750	53,968,656	
		45.36	33.63	6.89	12.27	1.85	100.00	

SECTION III. And the City Auditor is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper

SECTION IV. This ordinance shall take effect at the earliest period allowed by law.

Passed:
, 2024

Approved by:

Finance Committee

Attest:
Clerk
President of Council

Finance Committee

Finance Committee

Finance Committee

Finance Committee

Mayor

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTAOR11

Ordinance No. 0-116-24 Passed _____, 20____

Introduced by Finance & Personnel Committee

AN ORDINANCE AUTHORIZING 2025 NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Pursuant to Ohio Revised Code 731.08, Power of Legislative Authority as to Salaries and Bonds, and the City of Athens Non-Union Fringe Benefits, City Council does hereby authorize a 2025 general hourly pay increase for full time and permanent part-time non-union employees, as attached hereto and incorporated herein by reference. Non-Union employees in a probationary status shall not be eligible for any general hourly pay increase.

SECTION II: City Council does hereby authorize a one-time lump sum payment to those employees whose general hourly pay rate exceeds or will exceed the maximum pay rate in their pay grade, as attached hereto and incorporated herein by reference. Said general hourly pay increase or lump sum payment shall be effective the first pay period of 2025.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety and welfare of the residents of the City of Athens in order to maintain fiscal integrity, and that it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED: _____

Clerk of Council

Mayor

Position	Pay Band	Pay Range			2024 Wage	\$0.75/hr COLA	
		MIN	MID	MAX		Pay	%
SERVICE SAFETY DIRECTOR*	12	\$41.79	\$50.66	\$59.54	\$53.71	\$54.46	1.38
CITY ENGINEER/DIRECTOR OF PUBLIC WORKS*	11	\$38.59	\$47.28	\$55.97	\$38.62	\$39.37	1.90
CHIEF CITY PROSECUTOR*	11	\$38.59	\$47.28	\$55.97	\$38.62	\$39.37	1.90
ASSISTANT LAW DIRECTOR/PT-PROSECUTOR*	11	\$38.59	\$47.28	\$55.97	\$38.62	\$39.37	1.90
FIRE CHIEF*	11	\$38.59	\$47.28	\$55.97	\$51.74	\$52.49	1.43
POLICE CHIEF*	11	\$38.59	\$47.28	\$55.97	\$50.24	\$50.99	1.47
DIRECTOR APR*	10	\$35.40	\$43.37	\$51.34	\$35.60	\$36.35	2.06
DIRECTOR OF CODE ENFORCEMENT*	10	\$35.40	\$43.37	\$51.34	\$35.60	\$36.35	2.06
DEPUTY AUDITOR*	10	\$35.40	\$43.37	\$51.34	\$35.60	\$36.35	2.06
GOVERNMENT CHANNEL DIRECTOR*	10	\$35.40	\$43.37	\$51.34	\$39.24	\$39.99	1.88
HUMAN RESOURCES DIRECTOR*	10	\$35.40	\$43.37	\$51.34	\$38.92	\$39.67	1.89
DEPUTY SERVICE SAFETY DIRECTOR*	10	\$35.40	\$43.37	\$51.34	\$35.60	\$36.35	2.06
PROSECUTOR*	10	\$35.40	\$43.37	\$51.34	\$0.00	\$0.00	0.00
PROSECUTOR*	10	\$35.40	\$43.37	\$51.34	\$36.10	\$36.85	2.04
FIRE CAPTAIN*	9	\$32.48	\$38.97	\$45.47	\$44.60	\$45.35	1.65
POLICE CAPTAIN*	9	\$32.48	\$38.97	\$45.47	\$44.95	\$45.70	1.64
ASSISTANT CITY ENGINEER*	9	\$32.48	\$38.97	\$45.47	\$32.48	\$33.23	2.26
WTP MANAGER	9	\$32.48	\$38.97	\$45.47	\$33.91	\$34.66	2.16
WWTP MANAGER	9	\$32.48	\$38.97	\$45.47	\$35.96	\$36.71	2.04
CITY PLANNER*	9	\$32.48	\$38.97	\$45.47	\$33.65	\$34.40	2.18
ASSISTANT DIRECTOR OF APR*	8	\$29.80	\$35.76	\$41.72	\$30.25	\$31.00	2.42
ASSISTANT DIRECTOR OF DEVELOPMENT, ENFORCEMENT AND FACILITIES*	8	\$29.80	\$35.76	\$41.72	\$32.78		
ASSISTANT DIRECTOR OF PUBLIC WORKS*	8	\$29.80	\$35.76	\$41.72	\$34.99	\$35.74	2.10
LAB TECH	7	\$27.34	\$32.81	\$38.28	\$37.24	\$37.99	1.97
LAB TECH	7	\$27.34	\$32.81	\$38.28	\$35.95	\$36.70	2.04
LABOR SUPERVISOR - APR	7	\$27.34	\$32.81	\$38.28	\$29.34	\$30.09	2.49
ENVIRONMENTAL COORDINATOR	7	\$27.34	\$32.81	\$38.28	\$30.04	\$30.79	2.44
LABOR SUPERVISOR - STREETS	7	\$27.34	\$32.81	\$38.28	\$29.57	\$30.32	2.47
LABOR SUPERVISOR - SEWER	7	\$27.34	\$32.81	\$38.28	\$29.65	\$30.40	2.47
LABOR SUPERVISOR - WATER	7	\$27.34	\$32.81	\$38.28	\$0.00	\$0.00	0.00
CLERK OF COUNCIL*	7	\$27.34	\$32.81	\$38.28	\$31.84	\$32.59	2.30
BUILDING PROJECT SUPERVISOR	7	\$27.34	\$32.81	\$38.28	\$31.97	\$32.72	2.29
SOCIAL WORKER	6	\$25.08	\$29.47	\$33.86	\$30.68	\$31.43	2.39
INCOME TAX ADMINISTRATOR	6	\$25.08	\$29.47	\$33.86	\$27.35	\$28.10	2.67
INCOME TAX ADMINISTRATOR	6	\$25.08	\$29.47	\$33.86	\$25.72	\$26.47	2.83
SYSTEM ADMINISTRATOR*	6	\$25.08	\$29.47	\$33.86	\$25.72	\$26.47	2.83
PROJECT INSPECTOR	6	\$25.08	\$29.47	\$33.86	\$25.52	\$26.27	2.85
GRANTS ADMINISTRATOR (MAYOR)	6	\$25.08	\$29.47	\$33.86	\$25.72	\$26.47	2.83
ACCOUNT ADMINISTRATOR II (Utilities Billing)	5	\$23.01	\$27.03	\$31.06	\$26.25	\$27.00	2.78
ACCOUNT ADMINISTRATOR I (Auditor)	5	\$23.01	\$27.03	\$31.06	\$23.71	\$24.46	3.07
EXECUTIVE ADMINISTRATOR (Auditor)	5	\$23.01	\$27.03	\$31.06	\$24.80	\$25.55	2.94
PROGRAM SPECIALIST (Arts)	5	\$23.01	\$27.03	\$31.06	\$23.01	\$23.76	3.16
PROGRAM SPECIALIST (CHILDCARE)	5	\$23.01	\$27.03	\$31.06	\$25.02	\$25.77	2.91
PROGRAM SPECIALIST (Parks and Recreation)	5	\$23.01	\$27.03	\$31.06	\$24.08	\$24.83	3.02
DE/TRAINING COORDINATOR	5	\$23.01	\$27.03	\$31.06	\$23.01	\$23.76	3.16
ADMINISTRATIVE COORDINATOR (HR)	5	\$23.01	\$27.03	\$31.06	\$23.01	\$23.76	3.16
IT TECHNICIAN	4	\$21.12	\$24.81	\$28.50	\$0.00	\$0.00	0.00
TGC TECH	4	\$21.12	\$24.81	\$28.50	\$23.66	\$24.41	3.07
BUILDING PROJECTS TECHNICIAN	4	\$21.12	\$24.81	\$28.50	\$27.34	\$28.09	2.67
SOLID WASTE CONTROL INSPECTOR	4	\$21.12	\$24.81	\$28.50	\$21.16	\$21.91	3.42
SOLID WASTE CONTROL INSPECTOR	4	\$21.12	\$24.81	\$28.50	\$24.26	\$25.01	3.00
EXECUTIVE ASSISTANT (SSD)	4	\$21.12	\$24.81	\$28.50	\$22.84	\$23.59	3.18
ADMINISTRATIVE COORDINATOR (EPW)	4	\$21.12	\$24.81	\$28.50	\$25.00	\$25.75	2.91
COURT SECURITY	4	\$21.12	\$24.81	\$28.50	\$25.02	\$25.77	2.91
COURT ADMINISTRATOR	4	\$21.12	\$24.81	\$28.50	\$25.00	\$25.75	2.91
DIVERSION PROGRAM COORDINATOR	4	\$21.12	\$24.81	\$28.50	\$23.76	\$24.51	3.06
ADMINISTRATIVE ASSISTANT II	3	\$19.37	\$22.75	\$26.14	\$21.80	\$22.55	3.33
EXECUTIVE ASSISTANT (MAYOR)	3	\$19.37	\$22.75	\$26.14	\$0.00	\$0.00	0.00
INTENSIVE PROBATION DIRECTOR	3	\$17.77	\$20.87	\$23.98	\$25.02	\$25.77	2.91
ACCOUNT ADMINISTRATOR I (Utilities Billing)	3	\$19.37	\$22.75	\$26.14	\$19.54	\$20.29	3.70
OPERATIONS SPECIALIST	2	\$17.77	\$20.87	\$23.98	\$23.55	\$24.30	3.09
OPERATIONS SPECIALIST	2	\$17.77	\$20.87	\$23.98	\$18.57	\$19.32	3.88
PROJECT ASSISTANT	2	\$17.77	\$20.87	\$23.98	\$18.29	\$19.04	3.94
EXECUTIVE ASSISTANT	2	\$17.77	\$20.87	\$23.98	\$22.04	\$22.79	3.40
LEGAL SECRETARY II	2	\$17.77	\$20.87	\$23.98	\$22.31	\$23.06	3.25
COURT REPORTER	2	\$17.77	\$20.87	\$23.98	\$21.43	\$22.18	3.38
DIVERSION ADMINISTRATIVE ASSISTANT	2	\$17.77	\$20.87	\$23.98	\$19.89	\$20.64	3.63
PROBATION OFFICER	2	\$17.77	\$20.87	\$23.98	\$16.76	\$17.51	4.28
PROBATION OFFICER	2	\$17.77	\$20.87	\$23.98	\$19.82	\$20.57	3.65
GENERAL SECRETARY	1	\$16.29	\$19.15	\$22.01	\$17.47	\$18.22	4.12
GENERAL SECRETARY - CODE	1	\$16.29	\$19.15	\$22.01	\$18.09	\$18.84	3.98
LEGAL SECRETARY I	1	\$16.29	\$19.15	\$22.01	\$17.72	\$18.47	4.06
DATA ENTRY OPERATOR	1	\$16.29	\$19.15	\$22.01	\$18.52	\$19.27	3.89
DATA ENTRY OPERATOR	1	\$16.29	\$19.15	\$22.01	\$17.11	\$17.86	4.20

Remove position
Pay Band Change

Currently not filled
Pay Band Change

On probation

Currently not filled

Remove position

Currently not filled

Pay Band Change

Municipal Court
Municipal Court
Municipal Court

Pay Band Change; Currently not filled
Municipal Court

Municipal Court
Municipal Court
Municipal Court
Municipal Court

* = FLSA Exempt

Cost 44.25
\$92,040.00

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTR0811

Ordinance No. 0-117-24 Passed _____, 20____

Introduced by Finance & Personnel Committee

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Effective January 1, 2025, the Fringe Benefits Package attached hereto and incorporated herein shall be in effect, and all ordinances inconsistent therewith shall be repealed.

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety, and welfare of the residents of the City of Athens in order to meet the January 1, 2025, effective date, and that it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

CITY ORDINANCE

0-117-24

NON-UNION PERSONNEL SALARY
AND FRINGE BENEFIT PACKAGE

AS AMENDED

0-54-93, dated May 3, 1993
0-143-93, dated November 1, 1993
0-164-93, dated December 26, 1993
0-50-96, dated April 22, 1996
0-128-99, dated December 20, 1999
0-133-00, dated December 18, 2000
0-125-01, dated December 17, 2001
0-44-04, dated May 17, 2004
0-53-06, dated June 5, 2006
0-149-07, dated December 17, 2007
0-16-08, dated March 17, 2008
0-132-08, dated December 15, 2008
0-63-09, dated May 18, 2009
0-145-09, dated December 14, 2009
0-122-10, dated December 13, 2010
0-78-11, dated July 18, 2011
0-127-11, dated December 19, 2011
0-122-12, dated December 17, 2012
0-103-13, dated October 7, 2013
0-147-13, dated December 16, 2013
0-03-14, dated February 17, 2014
0-15-14, dated March 17, 2014
0-122-14, dated December 15, 2014
0-28-15, dated May 4, 2015
0-107-15, dated November 16, 2015
0-72-16, dated May 31, 2016
0-152-16, dated December 14, 2016
0-152-17, dated December 11, 2017
0-143-18, dated December 17, 2018
0-132-19, dated December 16, 2019
0-142-20, dated December 14, 2020
0-142-21, dated December 13, 2021
0-148-22, dated December 5, 2022
0-132-23, dated December 11, 2023

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EXHIBIT A

NON-UNION PERSONNEL SALARY AND FRINGE BENEFIT PACKAGE

DEFINITIONS: For the purpose of this Ordinance, the following terms are defined:

Full Time Non-Exempt Employee - One whose earnings are calculated on an hourly basis and works 40 hours or more per week. These are employees primarily performing work that is subject to the overtime provisions of the Fair Labor Standards Act.

Full Time Exempt Employee - One whose earnings are calculated on a biweekly basis, and not determined by hours worked per week. These are employees primarily performing work that is not subject to overtime provisions of the Fair Labor Standards Act. Exempt employees are generally expected to work a minimum of 40 hours per week.

Three-Quarter Time Employee – One whose earnings are calculated on an hourly basis, works at least but no more than 30 hours a week, does not exceed 1,560 hours per year and is eligible for non-union benefits.

Permanent Part-time Employee – One whose earnings are calculated on an hourly basis, works at least 20 but less than 30 hours a week, does not exceed 1,508 hours per year and is eligible for non-union benefits.

Temporary Part-time Employee – One whose earnings are calculated on an hourly basis and works less than 30 hours per week on an annualized basis.

Temporary Employee – One who temporarily fills the vacancy of a classified civil service position (subject to ORC 124.30). Earnings are calculated on an hourly basis and works 40 hours per week, not to exceed 120 calendar days.

Seasonal Employee – One whose earnings are calculated on an hourly basis and work up to 40 hours per week to meet the city's operational needs during certain times of the year. Seasonal employees cannot work more than 180 calendar days per year. (ORC 4141.33)

Interns – Part-time employees, typically college students, generally work about 20 hours per week, but may work up to 40 hours per week during school breaks. Intern positions cannot exceed 1,020 hours per year. Reference the staffing ordinance for interns pay range. (2019)

Elected Official Employees – One whose earnings are calculated on a bi-weekly basis, and not determined by hours worked per week, and are paid current.

Excluded Employee – Employees who have been appointed to serve on a policy making level, and are immediate advisors with respect to the constitutional or legal powers of the elected official's office are excluded from all provisions of the Fair Labor Standards Act,

including overtime compensation. Excluded employees are generally expected to work a minimum of 40 hours per week.

1. EFFECTIVE DATE/RETROACTIVITY:

- A. All provisions hereunder are, unless otherwise specified, effective January 1, ~~2024~~ **2025**.

2. OVERTIME:

A. Those employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA) shall be paid overtime for time worked in excess of 40 hours per week at a rate of time and one half. Labor Supervisors and Laboratory Technicians and Instrument Technicians will be paid overtime similar to the provisions of the labor agreement in place with the Service Department workers. Where a collective bargaining contract exists, the overtime provision of the labor contract prevails. Each elected official of the city and their appointees who are personal staff members, have been appointed to serve on a policy making level, and are immediate advisers with respect to the constitutional or legal powers of the elected official's office are excluded from all provisions of the FLSA, including overtime compensation.

B. Three-quarter time and part-time employees shall not be paid the overtime rate until they have worked in excess of 40 hours a week. Seasonal employees, with the exception of seasonal maintenance employees and seasonal day camp employees are exempt from the overtime provision.

C. Overtime rate shall be computed based on a fixed period of 168 hours - 7 consecutive, 24-hour periods, which is established for each employee. It may begin on any day of the week and at any hour of the day; and does not have to coincide with the calendar week. The overtime rate shall include any benefit required by the FLSA.

The standard work period of the Fire Captains after 12/10/87, shall be set forth as a 27-day work period with the standard number of hours being 204 within that period.

D. Overtime will not be granted under this ordinance except for personnel specifically authorized by the appropriate supervisor or elected official.

E. Overtime computed under this ordinance will be based on 2080 hours of work annually. ~~except the fire captains as shown in Section 2 C above.~~

3. COMPENSATORY TIME:

A. Compensatory time off is earned by non-exempt employees. Compensatory time is earned at a rate of one and one-half (1 ½) hours for each overtime hour worked.

Non-exempt employees have the option to use compensatory time off in place of paid overtime.

B. Accrued balances of compensatory time, at termination of employment or promotion to a position not eligible for overtime pay, must be paid at a rate not less than: 1) the average regular rate of pay over the employee's last three (3) years of employment; or 2) the final regular rate of pay, whichever one is higher. Payment will be made the pay period following the employee's last pay.

C. Effective October 1, 2013, exempt or excluded employees are not permitted to carry compensatory time balances forward. If a non-exempt employee is promoted to a position not eligible for overtime pay, the employee's accrued balance of compensatory time will be paid out at the rate of pay the employee received for their final pay as a non-exempt employee. Annual compensatory time payout will be based on the employee's balance as of the end of the first full pay period in January, and will be paid the second pay in January. Compensatory time payouts will be processed on amounts accrued at five hours or more. Any time under five hours will be rolled over.

D. Under no circumstances may compensatory time be accrued in excess of 240 hours for employees. Any accrual in excess of 240 hours must be converted back to regular hours and be paid at the overtime rate. All other compensatory time provisions shall be administered in compliance with FLSA regulations.

4. VACATIONS:

A. Eligible employees must be in an active work status for six (6) months prior to using accrued vacation leave. Prior part-time service with the City does not count toward the six (6) month active work status. Active employees will be granted time off for vacations during each year, based on the following schedule:

Length of Service - Vacation Credit – for Non-Union Employees ~~Other Than Non-Union Fire Personnel~~

LENGTH OF SERVICE	ANNUAL VACATION CREDIT	3 TIMES ANNUAL VACATION CREDIT EQUALS THE MAXIMUM ACCUMULATION (IN HOURS)	3 TIMES ANNUAL VACATION CREDIT EQUALS THE MAXIMUM ACCUMULATION (IN DAYS)
After 1 year of Continuous service	2 weeks (3.1 hrs. ppp)	241.80 HOURS (3.1 x 26 x 3 = 241.80)	30.23 DAYS (241.80/8 hours)
After 8 years of Continuous service	3 weeks (4.6 hrs. ppp)	358.80 HOURS (4.6 x 26 x 3 = 358.80)	44.85 DAYS (358.80/8 hours)
After 15 years of Continuous service	4 weeks (6.2 hrs. ppp)	483.60 HOURS (6.2 x 26 x 3 = 483.60)	60.45 DAYS (483.60/8 hours)
After 25 years of Continuous service	5 weeks (7.7 hrs. ppp)	600.60 HOURS (7.7 x 26 x 3 = 600.60)	75.08 DAYS (600.60/8 hours)

Three-quarter time employees will be pro-rated (75%) of the above. Permanent part-time employees will be pro-rated (50%) of the above.

Employees shall receive an additional 40 hours of vacation at the beginning of each new vacation accrual rate ~~excluding non-union fire personnel who will receive 48 hours.~~

Length of Service For Non-Union Fire Personnel - Vacation Credit

LENGTH OF SERVICE	ANNUAL VACATION CREDIT	3 TIMES ANNUAL VACATION CREDIT EQUALS THE MAXIMUM ACCUMULATION (IN HOURS) —	3 TIMES ANNUAL VACATION CREDIT EQUALS THE MAXIMUM ACCUMULATION (IN DAYS)
After 1 year of Continuous service	2 weeks (3.7 hrs. ppp)	288.60 HOURS (3.7 x 26 x 3 = 288.60)	12 DUTY DAYS (288.60/24 hours)
After 8 years of Continuous service	3 weeks (5.54 hrs. ppp)	358.80 HOURS (5.54 x 26 x 3 = 358.80)	18 DUTY DAYS (432.12/24 hours)
After 15 years of Continuous service	4 weeks (7.39 hrs. ppp)	576.42 HOURS (7.39 x 26 x 3 = 576.42)	24 DUTY DAYS (576.42/24 hours)
After 25 years of Continuous service	5 weeks (9.24 hrs. ppp)	720.72 HOURS (9.24 x 26 x 3 = 720.72)	30 DUTY DAYS (720.72/24 hours)

B. Each employee (including ¾-time and permanent part-time employees) entitled to vacation will schedule and take at least one (1) week of such vacation on consecutive days. Vacation credits may be taken in not less than 1/2-day units unless otherwise approved by the immediate supervisor.

C. Full-time exempt personnel temporarily working part-time shall Accumulate vacation time on a prorated (50%) basis during such temporary period.

D. In accordance with section 9.44 of the Ohio Revised Code, City employees who are hired on or after July 5, 1987 cannot use any prior service with any government or state agency, except with the City of Athens, to compute their vacation credit, nor may any balances be transferred to the City from other employment.

E. Employees (including ¾-time and permanent part-time employees) shall be able to accumulate vacation credits up to three (3) years. Employees who accrue in excess of vacation credits up to three (3) times their earned annual length of service, as defined in Section 4(A), shall forfeit the excess with no compensation from the City. (2019)

F. Upon separation from City service an employee shall be entitled to compensation at their current rate of pay for all lawfully accrued and unused vacation leave to their credit at the time of separation, up to their maximum as defined in Section 4 (A). Payment will be made the pay period following the employee's last pay.

G. Non-Union fire personnel, who are already at an earned vacation accrual level upon their work anniversary, will not receive an additional 48 hours since the hours were received while under the fire contract.

5. RETIREMENT:

OPERS – Ohio Public Employees Retirement System and (OP&F) – Ohio Police & Fire Pension Fund

All City positions covered by this ordinance shall be included in the City's retirement plans: Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OP&F). As used in this section, "retirement" means disability or service retirement under any state or municipal retirement system in this state.

The following provision for "picking up" statutorily required contribution to the Ohio Public Employees Retirement System (OPERS) and the Ohio Police and Fire Pension Fund (OP&F) shall extend to all non-union employees, including the chiefs and captains in the Fire and Police Departments, and all elected officials. Effective with the first pay of 1994, the City's method of payment of salary to employees who are participants in the Ohio Public Employees Retirement System (OPERS) and the Ohio Police and Fire Pension Fund (OP&F) is hereby modified as follows in order provides for a salary reduction "pick-up" of employee contributions to Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OP&F): The total salary for each employee and official shall be the salary otherwise payable under the City's ordinances. Such total salary of each employee shall be payable by the City in two parts: (A) deferred salary and (B) cash salary.

An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OP&F) to be paid as an employee contribution by that employee, and shall be paid by the City to Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OP&F) on behalf of that employee as a "pick up" and in lieu of the Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OP&F) employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the "pick up" for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OP&F) based upon an employee's total salary. The total combined expenditures of the City for such employees' total salaries payable under applicable City ordinances and the "pick up" provisions shall not be greater than the amounts it would have paid for those items had the "pick up" provision not been in effect. (0-83-98)

An employee who honorably retires from active duty may purchase their service handgun from the Athens City Police Department. The cost of the service weapon shall be One Dollar (\$1.00). If an employee is marked off duty for a stress related or psychological condition at the time of their retirement, they will not receive their service handgun unless, within ninety (90) days of the employee's retirement, the employee provides the Athens City Police Department and the City Human Resources Director with a statement from a psychiatrist or licensed psychologist that the employee is competent to receive their service handgun. If such a statement is provided within ninety (90) days of the employee's retirement, the employee shall be given the opportunity to purchase their service handgun. The word "retirement" as used in this section shall mean receiving a pension from the state pension system upon separation from the City.

6. INSURANCE:

A. LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT:

Full-time, three-quarter time employees, and elected officials shall receive term life insurance valued at \$25,000 and accidental death and dismemberment (AD&D) coverage valued at \$25,000. Excluded from this provision are permanent part-time, part-time and seasonal employees.

The life insurance and (AD&D) benefit begins the day the employee is hired and terminates on the employee's last day of employment.

B. MEDICAL INSURANCE & PRESCRIPTION PLAN:

Full-time and three-quarter time City positions covered by this ordinance shall receive medical insurance coverage according to the City's current medical insurance contract. Excluded from this provision are permanent part-time, part-time, temporary, and seasonal employees.

1. Employees hired, rehired, or appointed on or after January 1, 2004, shall be eligible to enroll in the group health and prescription drug benefit plans within two weeks from the date of hire, with coverage beginning on the first day of the calendar month following date of hire/appointment. Coverage will terminate on the last day of the month in which employment/ appointment terminates. If an employee is rehired within 13 weeks of separation that employee is eligible for medical insurance immediately as if there is no break in service.

DEF

Should an employee die in the performance of their duties, the City shall continue coverage for covered dependents for a period of three months following date of death. When a husband and wife are both employed by the City and are eligible for health benefits, the employee with the earliest date of hire will be the insured employee.

The City will provide a prescription drug plan administered by the City's third-party administrator. Specific details are outlined in the City's summary plan document.

2. Employees will select health benefits under the flexible benefits open enrollment plan during December of each year. Employees who do not enroll at the time of hire are subject to the qualifying event rule of the plan or may enroll under the annual open enrollment in December of each year.

Benefits, deductibles, and co-pays are stated in the summary plan document prepared by the City's third-party administrator. The summary plan document will be provided to each employee.

Fixed costs are the stop-loss premium (single or family rate for specific and aggregate per employee) plus the monthly per employee fee for the third-party administrator.

Effective January 1, 2012, and every January 1st, thereafter, the fixed cost will be adjusted in order that employees will pay a monthly contribution equal to 35% of the fixed costs of the health benefit plan.

Employees who provide satisfactory evidence of family coverage for health care benefits to the Human Resources Director, other than coverage provided by the City of Athens, may waive family coverage by the City and receive a \$1,000.00 bonus pro-rated each pay period. The change from family coverage to single coverage does not qualify the employee for the bonus. Single employees may not waive coverage and are not eligible for the bonus. No employee shall receive this bonus while in an unpaid status. Employees hired or rehired on or after January 1, 2019, shall not be eligible to receive the bonus until successful completion of the probation period. Employees who are not subject to a probation period shall not be eligible to receive this bonus until the beginning of the second calendar month following the date of hire. (2019)

3. If the city develops an alternative plan for delivering medical and prescription benefits that differs from this section, employees may voluntarily switch during open enrollment to the alternative plan. Such a switch shall be subject to the terms and conditions that the city determines at that time.

4. Under the provisions of Code Section 125, Flexible Benefits Plan, employees will be afforded the opportunity to enroll in the voluntary benefits available under that plan during open enrollment. New hires will be bound by the enrollment conditions of the plan.

5. The City maintains two deferred compensation plans under Code Section 457. All employees are bound by the enrollment provisions of those plans.

6. Domestic partner coverage: during the term of employment, employees shall be eligible to receive all medical and life insurance benefits for domestic partners as offered by the City of Athens.

C. HEARING INSURANCE:

All full-time and three-quarter time employees will be eligible for a hearing coverage plan as approved by city administration.

7. EDUCATIONAL REQUIREMENTS:

As a job requirement, a related professional license shall be held by the following employees:

Fire Chief	Certifications equivalent to fire fighters' labor agreement requirements
Fire Captain	Certifications equivalent to fire fighters' labor agreement requirements
Plant Manager	Class III Operator License
Director of Public Works/ City Engineer	Professional Engineer
Utility Labor Supervisor	Class II Distribution or Class II Collection

Nothing in this section precludes the requirements prescribed for any position by the Ohio Revised Code.

8. PROFESSIONAL LICENSE AND EDUCATION INCENTIVE PAY:

All license and educational pay will be computed based on a bi-weekly pay period.

Employees shall receive the following additional allowances for attainment of State operator or distribution certification at the rate of the highest classification attained or other licensure as noted below.

Certification must be current to be awarded the following:

Class I, II, or III Operators or Distribution License (only for employees working in Water or Sewer Maintenance) or Utilities Inspector	\$40.00 per pay period
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Operators or Distribution License in both Water and Wastewater and working	\$60.00 per pay period
---	------------------------

in Water or Sewer Maintenance or Utilities
Inspector

Class II Operator	\$40.00 per pay period
Class III Operator	\$76.00 per pay period

Employees hired or re-hired on or after January 1, 2002, will not be eligible to receive professional license and/or education incentive pay.

COMMERCIAL DRIVER'S LICENSE:

As a condition of continued employment, employees who are required to drive vehicles which require a commercial driver's license (CDL), or who are otherwise required to have a CDL, shall obtain a commercial driver's license as required by state law prior to driving for the City of Athens or upon promotion/transfer to a position requiring such license. The City shall reimburse the employee for the cost of the commercial driver's license within thirty (30) days after obtaining the license, or within thirty (30) days of the adoption of this ordinance and the tendering to the Auditor proof of payment of the fee for the license. If an employee does not pass the CDL exam, they may re-take the exam, but the city will not provide reimbursement. The employee shall also deposit with the Human Resources Director a copy of their currently valid commercial driver's license.

BACK-UP OPERATOR OF RECORD:

The employer may designate an employee to serve as the backup operator of record for the water treatment, water distribution, wastewater treatment plant, and wastewater collection system. Hourly employees who act as backup operator of record in situations where they are not normally required to back-up in accordance with their job description shall receive two dollars (\$2.00) per hour for all hours worked as the backup operator of record. Salaried employees who act as backup operator of record outside their normally required duties under their job description shall receive sixteen dollars (\$16.00) per day for all days worked as the backup operator of record.

EDUCATION INCENTIVE POLICY

The Educational Incentive Program (EIP) rewards non-union employees who take the initiative to increase their job worth by gaining job-related knowledge, behaviors and professional skills to significantly enhance their value to their department and the city. Educational incentive pay is not an entitlement and may not be awarded retroactively. Employees are limited to receiving one (1) educational incentive for a college degree and two (2) educational incentives for professional certifications/licensures.

9. PARKING:

A. Employees working in the City Building and the Law Administration Building will be issued hang tags to cover parking on the 3RD floor or above in the City Parking Garage during normal work hours only.

10. CLOTHING ALLOWANCE:

A. The City may furnish personal protective equipment, where appropriate, items of clothing such as gloves, boots, hard hats and cold weather gear as deemed necessary by the Service-Safety Director, or the appointing official, to protect employees during on-the-job assignments. The city may supply up to 5 shirts with the city logo when appropriate.

B. Police and Fire personnel covered by this ordinance shall receive uniform and dry-cleaning allowance, the same as granted in union agreements for firefighters and police officers.

C. Police and Fire Chiefs are allowed an additional \$100.00 annually.

D. In order to receive a clothing allowance, the employee must be in an active work status, cannot be on leave of any kind, and cannot plan to retire within three (3) months.

11. SICK LEAVE:

A. ACCUMULATING SICK LEAVE

1. Sick leave accumulation shall be granted at the rate of 4.6 hours per pay period for full-time employees and pro-rated for three- quarter time and permanent part-time employees, and such usage of sick leave accrued shall be governed by the City administration in accordance with provisions of Section 124.38, Ohio Revised Code.
2. For fire captains covered by this ordinance, sick leave shall be computed at the rate of 5.52 hours per each 96 hours of service, which does not include overtime.
3. An employee shall only be eligible for liquidated sick leave at the time of retirement at a pay of four-to-one (4:1) ratio of accumulation to pay basis. The maximum accumulation that may be converted is limited to nine hundred and sixty to two hundred forty (960:240) hours. A fire department employee shall be paid their 2496 hourly rate for sick leave upon retirement. An employee shall only be eligible for liquidated sick leave at the time of retirement, as noted in orc 124.39. Payment will be made the pay period following the employee's last pay.
4. Full-time exempt personnel temporarily working part-time shall accumulate sick leave time on a prorated (50%) basis during such temporary period.
5. City employees who are hired after January 1, 1989, can transfer to the City any sick leave accumulated from another previous employment. Any

unused sick leave accumulated and left with the City of Athens from previous service with the City will be credited to employee's accumulation.

B. GRANTING OF SICK LEAVE

1. In case of an employee's own illness, injury or exposure to a contagious disease and for medical, psychological, dental, or optical examinations by an appropriate practitioner, or a member of the employee's immediate family when actually accompanied by the employee or when the employee's presence is required in the home.
2. Attendance upon members of the employee's immediate family whose illness or injury requires the care of the employee. Immediate family shall mean husband, wife, child, stepchild, parent, mother-in-law, father-in-law, stepparent, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, domestic partner or any person that took the place of natural parents of the employee. Proof of relationship and illness or injury may be required by the Human Resources Director or appointing authority as a condition of granting such leave.

C. DONATION OF SICK LEAVE

An employee may donate up to a maximum of forty (40) hours of accumulated and unused sick leave each calendar year to other employees so long as the recipient's absence qualifies as an event under family medical leave and has exhausted all available sick leave, vacation leave, and compensatory time and the donating employee has a minimum bank of Two Hundred Forty (240) hours of accumulated and unused sick leave after donation. Fire personnel may donate up to a maximum of forty-eight (48) hours and must have a minimum bank of Two Hundred Eighty-Eight (288) hours of accumulated and unused sick leave after donation. Nothing in this section prohibits an employee from donating up to a maximum of forty (40) hours, forty-eight (48) hours for fire personnel, to multiple employees each year. Requests for donations will not be accepted before an employee has used all available paid leave. Once sick leave has been donated from one employee to another, whether the donation is used in its entirety or not, the donation is final.

D. SECTION 7. MODIFIED DUTY.

- A. The City of Athens' goal is to assist employees to return to work at the earliest date possible following an injury or illness. This Modified Duty Policy outlines under what conditions an employee would be eligible, as well as the benefits to both the employee and the city. All full-time employees are eligible under this policy.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be

directed to the human resources (HR) department.

- B. Modified Duty is an assignment that is for a specified and limited period and fulfills a necessary job function, appropriate to the employee's skills and level of experience as determined by the employer, and which the employee can perform without violating any medical restriction imposed as a result of a temporary disability, sickness or injury, for which the employee is compensated at his or her normal rate of pay and benefits. Modified duty may not be available for certain positions based on the nature of the job and operational needs.

Modified duty assignments are not guaranteed. The number, availability, and duration of such assignments are limited by departmental needs as defined by the department head and Human Resources.

If restrictions as noted on the physician's release to return to work form or "Certification of Health Care Provider" form are determined to be permanent, the employee is not eligible for a modified duty assignment.

Modified duty assignments may not exceed beyond 240 hours per event. In the event an employee refuses modified duty (outside the employee's FMLA benefits period) and the employee satisfies the restrictions and ability to perform modified duty assignments, the city is under no obligation to provide employment.

- C. Applying for and Performing Modified Duty Assignments

Upon receipt of a Certification of Health Care Provider form releasing an employee back to work, a modified duty assignment will be considered. Once an assignment is approved by the department head and Human Resources, the employee may be provided with a temporary position for modified duty. The employee will receive a modified job description along with goals and objectives for the modified role.

Together with the employee, the city will determine appropriate work hours based on the employee's ability to perform the temporary position. The city reserves the right to determine the availability and appropriateness of all modified duty work assignments.

- D. Managers will routinely monitor work performance to ensure the employee is meeting the expectations of the role and not exceeding the requirements set forth by the employee's healthcare provider. The employee will review their progress and ability to transition back to fulltime work duties after a maximum of 240 hours of modified duty. Should an employee require additional time to recover, a doctor's note is to be provided to HR detailing

the return date to full duty status and the employee will be required to use vacation, sick, comp time under the employees current FMLA claim.

12. FAMILY AND MEDICAL LEAVE (FMLA):

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the City will grant job protected family and medical leave to eligible employees for up to 12 weeks per 12-month period consistent with the provisions of state and federal law.

Employees on medical leave, not including parental leave, that qualify for family medical leave under the guidelines of FMLA, must use any accrued sick leave, vacation time, and compensatory time to the extent available during and concurrent with FMLA leave. Employees are asked to refer to the Human Resources Director for further questions and information.

13. PARENTAL LEAVE:

Parental leave of up to a maximum of 240 hours will be granted to parents who are eligible full-time employees for a single event birth or adoption (single or multiple children), excluding adoption of a spouse's child(ren). Any employee granted leave under this section shall continue to be covered under the city's group health, life, and AD&D insurance. The parent shall be entitled to receive full salary for up to a maximum of 240 hours of parental leave. Part-time employees shall be entitled to receive full salary for up to a maximum of a pro-rated amount based on their schedule. Three-quarter time employees will be pro-rated (75%). Permanent part-time employees will be pro-rated (50%). To receive the full leave, all parental leave hours must be used hours must be used within 10 weeks of the qualifying birth or adoption and at least 160 (120 for three-quarter time; 80 for permanent part-time) hours must be taken consecutively. The remaining 80 hours may be taken on a part-time schedule with the approval of the employee's immediate supervisor. Employees who are on parental leave are not required to use any accrued sick leave, vacation time, or compensatory time prior to taking parental leave. FMLA leave will be taken concurrent with parental leave. Any paid holidays that occur during parental leave will not count against the allowed parental leave time.

For the purposes of this section, "parent" shall mean an employee who resides in the same household as the child and is a biological parent of the child; a domestic partner of the biological parent; an adoptive parent; or a domestic partner of an adoptive parent. To be eligible for parental leave under this section, employees must be eligible for FMLA. New employees that are not eligible for FMLA may be allowed to use parental leave. New employees are asked to refer to the Human Resources Director for further questions and information.

14. FUNERAL BEREAVEMENT LEAVE:

Up to ~~three (3)~~ **five (5)** days of accumulated sick leave, vacation or compensatory time may be used to attend the funeral of a member of the employee's immediate family as defined in section 11(B)(2) above.

Proof of death and relationship of the deceased must be furnished upon the request of the Human Resources Director or appointing authority. Employees may use paid vacation time if more time is required to attend to the arrangements or travel with approval.

15. RETIREMENT AWARENESS LEAVE:

Employees who wish to attend retirement awareness seminars sponsored by the Ohio Public Employees Retirement System (OPERS) will be permitted leave time without loss or gain of pay.

Employees may request leave under this section to attend each of the following seminars, or their successor seminars, one time:

1. Providing long-term awareness now (plan)
Employee must have five (5) years of service credit.
2. Retirement awareness program (rap)
Employee must have five (5) years of service credit and be within five (5) years of retirement.
3. Retirement readiness
Employee must be within 12-18 months of retirement.

4. Remote interview schedule

Any fees associated with the seminar will be the responsibility of the employee. Employees will attend the seminars when offered in Athens. If travel to another location is necessary, appropriate travel time will be allowed within the normal workday. The employee will not be reimbursed for travel expenses.

This leave provision will be administered under guidelines established by the Human Resources Director.

16. MILITARY LEAVE:

Full-time non-union employees who are members of the Ohio National Guard or members of other reserve components of the armed forces of the United States are entitled to leave of absence from their duties without loss of pay or benefits for such time as they are in military service on field training or active duty for periods not to

exceed 240 hours (or hours specified by the ORC for fire captains) during any one federal fiscal year. An employee who is called to active duty for a period in excess of 240 hours in any federal fiscal year is otherwise treated as being on unpaid leave.

Employees, who are called to active military service, will be granted the opportunity to continue their group medical, dental, and vision coverage in accordance with the current city policies. The employee, or their designee, is responsible for remitting monthly payments for the same amounts for the coverage as if the person were not on a leave of absence. An employee may elect not to continue coverage(s) while the employee is in active military service, however; the employee shall be required to submit a written notice to the human resources director stating the intent to cancel coverage.

Employees who are called to active military service are entitled to the continuation of life insurance coverage during their active military service. The life insurance coverage is subject to the same exclusions and limitations currently in effect by the carrier. The city will continue to pay the monthly premium for this coverage.

Employees who are called to active military status in excess of 240 hours will not accrue vacation or sick leave.

Employees that have unused military leave hours remaining in a given year will have those hours removed on September 30th. The annual hour allotment will be added to an employee's military leave balance on October 1st.

Employees on unpaid military leave maintain the right to use any vacation or similar leave with pay that they accrued prior to military service. Use of accrued leave time is at the employee's option. The city will not require an employee to use accrued leave time while on military leave.

An employee who serves in active military status may return to their job, or another position at a similar level of responsibility with the same pay rate, after completion of military service, in accordance with federal and state law.

17. JURY AND WITNESS DUTY:

JURY DUTY

An employee required to serve on a jury before a court empowered by law to require such service, shall be excused from duty for the time required for such service and shall be paid their regular hourly rate, provided they notify their supervisor five (5) days prior to such jury service date. This benefit shall be administered as follows:

If excused from jury service on any day in reasonable time to report for at least three (3) hours' work before the end of the employee's shift, the employee shall be paid an amount equivalent to the number of unworked hours of their regular scheduled shift at

the straight time rate and the employee shall report for work as soon as reasonably possible.

If not excused from jury service in time to perform at least three (3) hours' work during their regular shift hours, the employee shall receive an amount equivalent to eight (8) hours' pay at the straight time rate.

Jury fees are to be turned into the auditor's office.

When an employee receives notice that they have been selected to serve jury duty in federal court (in Columbus), they shall provide the Human Resources Director with a copy of the notice to serve, at which time the Human Resources Director, the employee's immediate supervisor, and the local union president or their designee shall meet to determine the effect of the employee's absence for the shift preceding or following the required time for jury duty.

WITNESS DUTY

Employees subpoenaed to appear as a witness before a court of another public body on any matter not related to their work in which they are not personally involved (as a plaintiff or defendant) may be granted a leave of absence with pay for a period not to exceed two (2) working days in any calendar year. Such employee shall be paid the regular hourly rate less any fee received, provided their supervisor is notified five (5) days prior to such appearance date. This benefit shall be administered in accordance with the administration set forth in section 1 of this article for jury duty. In order to receive payment from the city, the employee must furnish to management a certificate of service and a sworn statement of the compensation received, signed by the clerk of courts or other authorized official of the court.

18. ADDITIONAL TYPES OF LEAVES:

A. LEAVE WITHOUT PAY/NON-SERVICE-CONNECTED DISABILITY

Please refer to the section regarding "Family and Medical Leave Act."

B. LEAVE WITHOUT PAY/SERVICE-CONNECTED DISABILITY:

The City shall continue to pay its share of medical insurance for the full term of an approved leave of absence for a service-connected disability. However, no leave hereunder shall exceed a total of twelve (12) months. The employee will be expected to continue paying their share of medical insurance premiums and make arrangements for existing voluntary and involuntary payroll deductions. City paid medical insurance benefits shall terminate in accordance with COBRA regulations after a determination has been made by the Bureau of Workers' Compensation that the employee is permanently totally disabled, or

when the leave has ended. Family Medical Leave shall be used concurrently with leave without pay.

C. INJURY LEAVE:

Physical injury for purposes of this section shall be defined as an injury which occurs on or after the effective date of this section compensable under the Workers' Compensation Laws of the State of Ohio.

Any full-time employee, covered by this ordinance who is disabled as a result of a service-connected physical injury shall be entitled to receive full salary during such period of disability up to a maximum of 240 hours. Fire department captains are eligible for injury leave up to a maximum 288 hours. Three-quarter time employees are eligible for injury leave up to a maximum of 180 hours. Permanent part time employees are eligible for injury leave up to a maximum of 120 hours. If the employee is still unable to return to work at the end of the paid injury leave they may request a leave without pay. However, no leave hereunder shall exceed a total of 12 months. Family Medical Leave shall be used concurrently with leave without pay. Any full-time or three-quarter time employee granted a leave under this section shall continue to be covered under the City's group health, life, and AD&D insurance. However, as noted in Section 17B, employees are responsible for managing current payroll deductions while on leave without pay. In addition, an employee on unpaid injury leave will not accrue vacation or sick leave.

The following conditions will apply to injury leave:

1. The employee must submit a physician's statement to the Human Resources Director to qualify for injury leave. The statement shall include a diagnosis and an estimated return to work date. If the estimated return to work date extends beyond 6 weeks, or if the physician extends the return-to-work date during the leave, the employee may file a lost-time claim with the Bureau of Worker's Compensation (BWC).
2. An employee will not be required to substitute accrued sick, vacation, or compensatory time for any part of an injury leave. While an employee waits for the BWC claim to be approved, they may use sick leave. If an employee does not have any sick leave accrued, they may use vacation or compensatory time. Once the BWC claim is approved, any sick leave used while the claim was pending will be credited back to the employee's sick leave accrual. An employee may elect to use accrued leave after using the 240 hours of paid injury leave. Injury leave documentation must be completed to receive accrual credits.
3. An employee may request intermittent leave for medical appointments related to the injury or due to a reduced work schedule as a result of the injury. The intermittent leave will be deducted from the 240 hours of paid injury leave. If the employee has exhausted all injury leave hours' sick time may be substituted.

4. The City reserves the right to obtain a second and, if necessary, a third opinion at its expense, periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work. If it is necessary to obtain a third opinion, the City and the employee will mutually agree on the selection of the physician.
5. If an employee receives temporary total disability payments for any portion of the paid injury leave, the payment will be turned over to the City. Vacation and compensatory time are exempt from the reimbursement to the City.
6. Seniority shall continue to accrue for the full term of the injury leave.

19. CITY-COUNTY JOINTLY FUNDED:

The following City positions also receive compensation from the County. This ordinance will govern only the City's share of the salaries required by law:

Judge of Municipal Court	60% City/ 40% County
Clerk of Municipal Court	60% City / 40% County
Bailiff	60% City / 40% County

As full-time employees, full benefits are accorded these positions by the City in accordance with ORC Title 19.

20. PART-TIME AND SEASONAL PERSONNEL:

A. Persons working as part-time and seasonal under this section, working less than forty (40) hours per week on an annualized basis, excluding those covered in the permanent part-time staffing ordinance, shall not be eligible for City of Athens fringe benefits, except parking privilege as per Section 10, unless approved by specific Council legislation.

B. Any deviation from the above for compensation to part-time employees shall be authorized only by specific Council legislation.

C. Permanent part-time employees are those who work 29 or fewer hours per week. Permanent part-time employees will be placed in a pay range beginning with the ~~state/federal minimum wage~~ appropriate pay band as determined by the Human Resources Director. In order to cover leaves of full-time employees, permanent part-time employees may be scheduled more than 29 hours per week for a limited period of time, subject to review by the Human Resources Director, but may not exceed 1508 hours in any calendar year.

D. The City of Athens follows a standard work schedule. Employees, and employers, should not modify a work schedule in lieu of using accrued time or paying overtime.

E. Interns are part-time employees, who are typically college students. They

generally, will work about 20 hours per week, except during the summer months, winter break and spring break. During those breaks they may work up to 40 hours per week. Total hours worked per year shall not exceed 1,020. Reference the staffing ordinance for interns pay range. (2019)

F. Seasonal employees may work up to 40 hours per week for a maximum of 120 180 calendar days in any one year.

21. PAID HOLIDAYS:

A. Designated holidays are:

- | | | |
|-----|---|--|
| 1) | New Year's Day | January 1 st |
| 2) | Martin Luther King Day | 3 rd Monday in January |
| 3) | President's Day | 3 rd Monday in February |
| 4) | Memorial Day | Last Monday in May |
| 5) | Juneteenth | June 19 th |
| 6) | Independence Day | July 4 th |
| 7) | Labor Day | 1 st Monday in September |
| 8) | Columbus Day Indigenous People's Day | 2 nd Monday in October |
| 9) | Veterans Day | November 11 th |
| 10) | Thanksgiving Day | 4 th Thursday in November |
| 11) | Christmas Day | December 25 th |
| 12) | Employees Birthday* | *Must be used between pays 1 and 26
Must be used in an 8-hour increment |

B. The days shall be celebrated as set forth above, unless otherwise designated by contract or other appropriate governmental official or body. Two of the above holidays, President's Day and Columbus Day, may be floated by the Mayor. In all cases where a holiday may be in question, the Mayor will designate the official holiday. Employees receive their birthday holiday upon completion of their probationary period.

C. Full-time employees, three-quarter time employees, and permanent part-time employees, exclusive of police and fire personnel covered by this ordinance, shall be paid straight time rates, exclusive of any premium pay, for the holidays declared above, excluding the employee's birthday, and shall not be required to work on such holidays unless, in the opinion of the employee's supervisor, failure to work on such holidays would impair the public service. Permanent part-time employees shall receive holiday pay regardless of the employee's work shift and work schedule. All eligible employees will be required to pass probation in order to receive their birthday holiday.

D. Personal Days. Personal days provide employees with authorized paid absences from work for the purpose of attending to personal business and emergency situations. All regular, full-time staff are eligible for Personal Day absences after completing their

probationary period. Eligible employees are granted two personal days (16 hours) as of pay 1 of each year. Personal Days must be used between pay 1 and pay 26. Personal Days do not carry forward or accumulate from one calendar year to the next and must be used in eight (8) hour increments.

E. Non-supervisory employees, exclusive of police and fire personnel covered by this ordinance, required to work on a holiday, excluding the employee's birthday, shall be compensated at the rate of one and one-half (1 1/2) times regular pay in addition to holiday pay.

F. Employees in the police and fire departments, except for Chiefs, who work on any of the above-named holidays, or who have completed their normal tours of duty for the week in which one of said holidays falls, excluding the employee's birthday, shall receive an additional amount of pay for such week equaling one-fifth (1/5th) of the weekly pay of the classification pay grade and step in which they are presently serving, as follows: Payable no later than the 15th day of December for all holidays in the twelve (12) month period from January 1 to December 31 of the current year.

22. PROMOTION, LATERAL TRANSFER, AND DEMOTION OF NEW HIRES AND CURRENT EMPLOYEES:

(A) Employees who transfer from a bargaining unit to a non-bargaining unit classification or from one non-bargaining unit to another non-bargaining unit classification will be slotted in accordance with the following provisions. Upon promotion, lateral transfer, or demotion, the date of placement in the new classification becomes the employee's new classification date.

1. **Promotion:** Is defined as the movement of an employee to a new classification in a higher pay grade. A full-time, three-quarter time, or permanent part-time employee's new pay rate shall be the greater of: (1) the minimum of the new pay grade; or (2) 5% higher than the rate from which the employee was promoted. At the request of the appointing authority, an employee's new rate of pay may be set at a rate not to exceed the midpoint of the new pay grade; or up to 10% higher than the rate from which the employee was promoted; however, approval by City Council is required. Notwithstanding, no employee shall be assigned to a rate higher than the maximum rate of the employee's newly assigned pay grade.

2. **Demotion:** For an "Involuntary Demotion" the employee will be assigned to the pay grade for the classification to which the employee was demoted at a rate determined by the appointing authority which is at least 5% lower than the demoted employee's current rate, but not below the minimum nor in excess of the maximum for the employee's new pay grade. Such demotions may be subject to appeal to the Municipal Civil Service Commission. When an employee is "voluntarily" requesting a demotion which shall include a reduction in pay, the employee will be assigned to the pay grade designated for the classification to which the employee is demoting. The employee's reduced pay rate shall be determined by the appointing authority and in

no event will an employee be assigned to a rate which is below the minimum or higher than the maximum specified for the grade to which the employee is voluntarily reduced. A voluntary demotion may not be appealed to the Municipal Civil Service Commission.

3. **Lateral Transfer**: A lateral transfer occurs when an employee is assigned to a different classification but is assigned to the same pay grade. Additionally, a lateral movement can occur when an employee remains in the same classification but is moved to another department in the City. An employee's rate of pay will not be affected by such change **unless it does not meet the criteria of Article 23, Section C. City administration may approve up to 10% through the assigned pay grade based on the experience and qualifications of the employee.**

To promote internal career progression and development, all classified job openings shall be posted internally in all departments for a minimum of five (5) business days. In addition, to address critical hiring needs and to reduce the time to fill vacancies, all classified job openings will be simultaneously advertised externally. Such postings shall contain the minimum qualifications, the job description, position classification, FLSA status, probationary requirements, minimum hourly rate and pay range assigned to the position, and the required applicable application materials. Interested full-time, three-quarter time, and permanent part-time employees who have passed probation, worked for the city for one year, and are in good standing with the city may apply for the opening by notifying the human resources director, in writing, along with providing the requested application materials, during the five-day posting period.

Appointed or non-classified job openings shall not be posted internally. Those positions are to be filled as a direct appointment by the mayor, service-safety director, or other appropriate elected official.

(B) PROBATIONARY PERIOD

All current employees and newly hired employees who move to a new classification will serve a probationary period of **up to one hundred eighty (180) calendar days and no less than sixty (60) calendar days.** Probationary employees will be evaluated every thirty (30) days under guidelines established by the Human Resources Director.

23. COMPENSATION:

In accordance with Ohio Revised Code Section 731.08, Power of Legislative Authority as to salaries and bonds, Athens City Council shall establish by ordinance, salaries and compensation, in pay grades 1 through 12, some of which may not be utilized, for all non-bargaining unit employees, except as provided below in (B & C) that may be authorized at the discretion of the elected official, or appointing authority. Each classification has been assigned to a recommended pay grade based upon the results of an external wage survey, internal equity analysis, current practice, and the City's

pay philosophy. Each pay grade identifies a minimum rate, a midpoint, and a maximum rate.

Retroactive compensation shall only be granted by City Council ordinance. Changes in pay due to number of hours worked, approved overtime, or administrative/payroll oversight, or changes in rate of pay due to promotions, and demotions, as defined in the fringe benefits package, shall not be considered retroactive compensation.

A. All non-bargaining unit employees, with the exception of the Service-Safety Director, are hired into pay grades 1 through 12, as reviewed and approved separately by City Council.

B. New full time, three-quarter time, and permanent part-time employees may be hired by elected officials or appointing authority at a rate of pay up to 25% through the assigned pay grade for new employees who possess outstanding qualifications, education, and experience. In circumstances where an appointing authority wishes to hire an employee at a rate higher than 25% through the assigned pay grade, direct approval by City Council is required. Employees may receive pay increases at the first of each year as established by Council ordinance. Employees in a probationary status shall not be eligible for any general or lump sum increases awarded by City Council.

C. Police and Fire Captains' hourly rates of pay will always be, at a minimum, 5% above the Lieutenants who report to them effective with the date of increase for the Lieutenants. **Labor Supervisors' hourly rates will always be, at a minimum, 5% above the base rate of their highest paid subordinate.**

D. An employee will advance through the pay grade by way of periodic general increases; all general increases are subject to City Council approval. Employees who are at rates of pay that exceed the maximum rate for their pay grade shall receive no base rate increase until such time as the pay grade is shifted as a result of a plan update. If the effect of a general increase would be to exceed the maximum rate for the employee's pay grade, then the general increase shall be limited in such a manner so as not to exceed the maximum hourly rate, and the employee shall be eligible for a lump sum amount as outlined below.

Exceeding Maximum Pay Rates (use of lump sum payments)

An employee who is at a rate of pay that is equal to or in excess of the maximum rate for their pay grade may receive a lump sum amount equal to the general increase, as approved by City Council, that is not intended to increase their base rate of pay.

Employees who, with a general increase, would exceed the maximum rate of their pay grade, may receive both:

1. An increase up to the maximum rate of their pay grade; and

2. A one-time lump sum amount equal to the general increase amount on an annualized basis less the actual increase to the base rate, as approved by City Council.

A review of market conditions shall occur every 3-5 years through the analysis of bureau of labor statistics data and/or a survey of comparable jurisdictions. In addition, not less than every 3-5 years, the City shall review the entire compensation plan including, but not limited to class descriptions, pay grades, point factoring, and the percentage and form of all wage increases.

E. Shift Differential: Non-union classified employees will receive an extra \$0.40 per hour for regular hours worked (those hours only) when their assigned shift falls outside of the time of 7am – 5pm (Monday- Friday). (2019)

24. EMPLOYEE ASSISTANCE PROGRAM:

The City will make available a list of agencies and providers in the local area who specialize in mental health and substance abuse counseling. Coverage for these is governed by the terms and conditions of the City's group health benefit plan. The City will not be responsible for charges incurred by employees who are not covered under the City's benefit plan.

25. NON-DISCRIMINATION:

There shall be no discrimination against or harassment of any employee on account of race, color, creed, religion, sex, political affiliation, age, veteran status, gender identity, familial status, sexual orientation, or disability.

26. VOLUNTARY FITNESS INCENTIVE PROGRAM:

Full-time, three-quarter time, and permanent part-time employees shall receive a free recreation pass to the Athens Community Center.

Membership for family members will be charged at the appropriate rate. All employees have the option of paying membership fees through payroll deduction.

27. TUITION REIMBURSEMENT:

Effective January 1, 2008, full-time employees may apply for tuition reimbursement in accordance with the city's tuition reimbursement policy 0-15-08. The policy applies to educational programs that result in a degree or certification that is not otherwise required for the job. The subjects must be directly related to the City's operations and lead to the improvement of the employee's job performance and professional development. The Mayor or appropriate elected official will have the final approval authority for tuition reimbursement.

28. PAY CHECKS:

A. Effective with new hires, employee checks are direct deposited only into Account designated by the employee. Check stubs are accessible online at the e-mail address provided by the employee.

B. The Auditor's office can deposit any portion you choose into separate checking or savings account an employee designates.

C. Effective August 1, 2013, the Auditor's office will transmit compensatory time, holiday and longevity payments through direct deposit.

29. STATE OF EMERGENCY:

If a state of emergency is declared by the Mayor of the City of Athens or the Athens County Sheriff, and "non-essential personnel" are directed by city administration not to report to work, they shall be paid their regular rate of pay for all regular work hours missed.

Payment for designated "essential personnel" who are directed to report to work in such circumstances shall earn on a premium basis two (2) times their hourly rate for all hours worked during their regular shift during the term of the declared emergency by the Mayor or Athens County Sheriff. Payment for all hours, other than regular shift schedule, shall be in accordance with the provisions of this ordinance.

0-118-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS, FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2025.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Mayor is hereby authorized to enter into, or to extend the agreement with the Board of Athens County Commissioners, for the purpose of obtaining the services of the Public Defender's Office, through December 31, 2025.

SECTION II: The Mayor is hereby authorized to expend up to One Hundred Twenty Thousand Dollars (\$120,000.00) from the 2025 General Fund, 101-106, T.C. 300, for said contract.

SECTION III: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-119-24

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE SECTIONS 23.03.11(D), ACCESSORY STRUCTURES AND ACCESSORY ENERGY SYSTEMS, AND 23.03.12(B), PRINCIPAL RENEWABLE ENERGY SYSTEMS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Effective January 1, 2025, Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, Section 7.05.22, is hereby amended to read as follows:

23.03.11. Accessory structures and accessory energy systems.

(D) Permit – \$100, plus \$1.50 per thousand dollars of improvement or portion thereof

23.03.12. – Principal renewable energy systems.

(B) Permit Fees \$150 for roof mounted residential solar

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

R-09-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

A RESOLUTION SUPPORTING THE TENTATIVE AWARD OF CONTRACT(S) FOR
CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER
SYSTEM IMPROVEMENTS, PROJECT #330.

WHEREAS, TAM Construction was the low bidder;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council does hereby support the tentative award of contract(s) for construction and construction engineering of the City Sewer System Improvements, Project #330, contingent upon the City of Athens receiving funding from the Ohio Environmental Protection Agency (OEPA), Division of Environmental and Financial Assistance (DEFA).

SECTION II: This Resolution shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor