

AGENDA – COUNCIL MEETING – November 23, 2020

MAYOR - Call to Order  
Pledge of Allegiance

CLERK - Roll Call  
Moment of Silence

1. Minutes of November 9, 2020
2. Citizen's and Visitor's Comments
3. ONE READING – ORDINANCE 1715 - AN ORDINANCE TO ADOPT PRELIMINARY LEGISLATION TO PARTICIPATE IN THE PROJECT KNOWN AS PID 106-424-MOT ST 48 25.12, IN THE ODOT DISTRICT 7 FISCAL YEAR 2022 WORK PLAN AND DECLARING AN EMERGENCY.
4. ONE READING – ORDINANCE 1716 – AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY. (to be withdrawn)
5. ONE READING – ORDINANCE 1717 - AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.
6. ONE READING – RESOLUTION 20-07 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LAW OFFICE OF THE MONTGOMERY COUNTY PUBLIC DEFENDER TO PROVIDE LEGAL SERVICES FOR INDIGENT PERSONS CHARGED WITH JAILABLE OFFENSES UNDER THE CITY'S LOCAL ORDINANCES.
7. ONE READING – RESOLUTION 20-08 – A RESOLUTION AMENDING THE RULES OF COUNCIL.
8. Open Agenda  
  
Mayor  
Council members  
City Manager
9. Adjourn

# RECORD OF PROCEEDINGS

## MEETING OF COUNCIL

November 9, 2020

Mayor O'Callaghan called the City of Union council meeting to order on Monday, November 9, 2020 at 7:30 p.m.

Attendance was taken and the following council members were present: Mayor O'Callaghan, Mrs. Oberer, Mrs. Thomas-Roth, and Mrs. Kyle.

Other city staff members attending the meeting were John Applegate, City Manager, Denise Winemiller, Clerk of Council, and Joe Moore, Law Director.

Mayor O'Callaghan called for a moment of silence.

Mayor O'Callaghan moved to excuse Mr. Blackwell from attending the meeting due to his having to work. Mrs. Oberer seconded the motion. All concurred and the motion was passed and Mr. Blackwell's absence was excused.

Mayor O'Callaghan moved that Mrs. Perkins be excused due to having to work. Mrs. Oberer seconded the motion. All concurred and the motion was passed and Mrs. Perkins' absence was excused.

Mayor O'Callaghan said that Mr. Bruns had called and was ill so he moved that his absence be excused. Mrs. Oberer seconded the motion. All concurred and Mr. Bruns' absence was excused.

Mayor O'Callaghan said that all of the council members were excused from attending the meeting.

1. Mayor O'Callaghan asked if there were any additions, deletions or corrections for the minutes of the October 26, 2020 council meeting. There were no corrections so Mrs. Thomas Roth moved that the minutes be accepted as prepared. Mrs. Oberer seconded the motion. All concurred and the minutes were accepted as prepared.

2. Citizen's and Visitor's Comments

There were no comments from the citizens and visitors in the audience.

3. SECOND READING – ORDINANCE 1714 – AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020. (three readings)

# RECORD OF PROCEEDINGS

## MEETING OF COUNCIL

November 9, 2020

Mrs. Winemiller said that changes have been made for the appropriations amendment and a new one was on the agenda, Ordinance 1716. She asked that Ordinance 1714 be withdrawn.

Mayor O'Callaghan then moved to have Ordinance 1714 withdrawn. Mrs. Thomas-Roth seconded the motion. All concurred and the motion was passed. Ordinance 1714 was withdrawn.

4. ONE READING – ORDINANCE 1715 - AN ORDINANCE TO ADOPT PRELIMINARY LEGISLATION TO PARTICIPATE IN THE PROJECT KNOWN AS PID 106-424-MOT ST 48 25.12, IN THE ODOT DISTRICT 7 FISCAL YEAR 2022 WORK PLAN AND DECLARING AN EMERGENCY.

Mayor O'Callaghan said that since they did not have five council members at the meeting, Ordinance 1715 would need to be tabled until the next meeting. Mrs. Thomas-Roth seconded the motion. All concurred and Ordinance 1715 was tabled.

5. ONE READING – ORDINANCE 1716 – AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.

Mayor O'Callaghan said since they did not have five council members present, Ordinance 1716 would need to be tabled until the next meeting. Mrs. Oberer seconded the motion. All concurred and Ordinance 1716 was tabled.

6. Open Agenda

Mayor O'Callaghan thanked everyone for getting out and voting on November 3. He said the number of people voting was amazing and he appreciated that the street levy was passed.

He commented that Wednesday was Veteran's Day and if you had a flag, you should fly it and honor and support the Veterans.

Mayor O'Callaghan said he wanted to address the city workers and said to hang in there, that he knew they were all working very hard for the city, and he wanted to offer words of encouragement.

# RECORD OF PROCEEDINGS

## MEETING OF COUNCIL

November 9, 2020

The Mayor also mentioned that the Corona virus was making a comeback and people should continue to wear a mask, wash their hands, and practice social distancing.

Mayor O'Callaghan also commented that the pear trees along Main Street look fantastic and many of the council members agreed with that.

Mrs. Thomas-Roth asked if they would need a second meeting in November and Mr. Applegate said they should plan on it and that they would need to have five council members present.

Mrs. Oberer said she couldn't wait to see the lights on the pear trees and Mr. Applegate said they were working on that.

Mr. Applegate said they were also working on the storm sewer line on Phillipsburg Road and were getting ready to cross the road. He said they were converting the head wall from 48 inches to 60 inches which should help with some of the flooding that they have had in the past due to exceptionally heavy rains.

Mr. Applegate said they were working on the roof of the community center (the former church at 201 West Martindale), what they call the west wing and everything was going well.

Work was continuing on the wastewater treatment plant and they were getting the pumps, controls, and piping done and were making progress.

In response to a question from the council, the leaf pickup was going well and they were now getting into the heavy part with many leaves down.

Mr. Moore said they had been looking at the charter, code, and rules of council, due to the Covid-19 virus and looking at voting, meeting, etc. He said the law is there and lots of answers are in the regulations but they have not been used very much. He said there is an answer for most of their questions.

Mrs. Oberer asked if they could have a council member attend "virtually" on a computer. Mr. Applegate said that is one of the things that they were looking at, and may possibly consider amending the regulations on that if there is not a quorum.

# RECORD OF PROCEEDINGS

## MEETING OF COUNCIL

November 9, 2020

5. Mrs. Thomas-Roth moved that the council meeting be adjourned. Mrs. Oberer seconded the motion. All concurred and the council meeting was adjourned.

The next council meeting will be on Monday, November 23, 2020.

Respectfully submitted,

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Denise A. Winemiller,  
Clerk of Council

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John Bruns, Vice Mayor

# ORDINANCE 1715

Passed \_\_\_\_\_

AN ORDINANCE TO ADOPT PRELIMINARY LEGISLATION TO PARTICIPATE IN THE PROJECT KNOWN AS PID 106-424-MOT ST 48 25.12, IN THE ODOT DISTRICT 7 FISCAL YEAR 2022 WORK PLAN AND DECLARING AN EMERGENCY.

The following is an Ordinance enacted by the City of Union of Montgomery County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

## SECTION I: Project Description

WHEREAS, the City of Union (LPA), Ohio has determined the need for the described project:

**Place a two inch asphalt overlay on Old Springfield Road to the Miami County Line, Straight Line Mile 25.12 to 26.25, more or less, in the City of Union; and**

WHEREAS, there are timetables and deadlines for the project; and

WHEREAS, this legislation need to effective as soon as possible.

NOW THEREFORE, be it ordained by the City of Union (LPA) of Montgomery County, Ohio.

## SECTION II: Consent Statement

Being in the public interest, the City of Union (LPA) gives consent to the Director of Transportation to complete the above described project.

## SECTION III: Cooperation Statement

The City of Union (LPA) shall cooperate with the Director of Transportation in the above described project as follows:

The City of Union agrees to participate in the cost of the project.

# ORDINANCE 1715

Passed \_\_\_\_\_

The City of Union further agrees to pay 100% of the cost of those features requested by the City of Union which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City of Union further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The City of Union further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

## SECTION IV: Utilities and Right-of-Way Statement

The City of Union agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The City of Union agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

## SECTION V: Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall:

- (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116;
- (2) provide ample financial provisions, as necessary, for the maintenance of the Project;
- (3) maintain the right-of-way, keeping it free of obstructions; and
- (4) hold said right-of-way inviolate for public highway purposes.

# ORDINANCE 1715

Passed \_\_\_\_\_

## SECTION VI: Authority to Sign

The City Manager of said City of Union is hereby empowered on behalf of the City of Union (LPA) to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

Upon request of ODOT, the City of Union through its City Manager is also empowered to assign all rights, title, and interests of the City of Union to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

## SECTION VII: Emergency Measure

This Ordinance is hereby declared to be an emergency measure because it is necessary to expedite the highway project and to promote highway safety. This Ordinance shall take effect and be in force immediately upon its passage and approval.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Michael O'Callaghan, Mayor

\_\_\_\_\_  
Denise A. Winemiller  
Clerk of Council

\_\_\_\_\_  
John Bruns, Vice-Mayor



# ORDINANCE 1716

Passed \_\_\_\_\_

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.

WHEREAS, the annual appropriations ordinance for FY/2020 as enacted by Ordinance No. 1706, was passed by the Council of the City of Union on December 9, 2019, amended September 14, 2020 by Ordinance 1713, be amended for the addition of grant funds received by the city, and

WHEREAS, the Council of the City of Union has determined and does hereby determine that adjustments should be made in the annual appropriations ordinance, to administer the allocation of Cares Act funding in 2020, and

WHEREAS, this Ordinance is for the immediate preservation of the public property, health and safety for the reason that said amendment is necessary to begin administering grant projects.

## SECTION I:

That the annual appropriations ordinance for FY/2020 as enacted by Ordinance 1706 be further amended as follows:

1. **GRANTS (950)**

INCREASE	TOTAL APPROPRIATIONS	247,385.38
INCREASE	CLASS 210 PERSONAL SERVICES	91,679.45
DECREASE	CLASS 240 SUPPLIES & MATERIALS	-27,109.09
INCREASE	CLASS 250 CAPITAL OUTLAY	182,815.02
	CLASS 260 DEBT SERVICE	0.00
	CLASS 270 TRANSFERS & REIM.	0.00
	<b>TOTAL GRANT FUND</b>	<b>247,385.38</b>

## SECTION II:

That the adjustments made hereby increase the annual appropriations ordinance by \$247,385.38 All other adjustments by class do not increase or decrease any fund but adjusts line items within said funds.

# ORDINANCE 1716

Passed \_\_\_\_\_

SECTION III:

For the reasons stated in the preamble hereof, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall take and be in force from the date of passage.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Michael O'Callaghan, Mayor

\_\_\_\_\_  
John Bruns, Vice-Mayor

\_\_\_\_\_  
Denise Winemiller,  
Clerk of Council

# ORDINANCE 1717

Passed \_\_\_\_\_

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.

WHEREAS, the annual appropriations ordinance for FY/2020 as enacted by Ordinance No. 1706, was passed by the Council of the City of Union on December 9, 2019, amended September 14, 2020 by Ordinance 1713, be amended for the addition of grant funds received by the city, and

WHEREAS, the Council of the City of Union has determined and does hereby determine that adjustments should be made in the annual appropriations ordinance, to administer the allocation of Cares Act funding in 2020, and

WHEREAS, this Ordinance is for the immediate preservation of the public property, health and safety for the reason that said amendment is necessary to begin administering grant projects.

## SECTION I:

That the annual appropriations ordinance for FY/2020 as enacted by Ordinance 1706 be further amended as follows:

### 1. **GRANTS (950)**

INCREASE	TOTAL APPROPRIATIONS	247,385.38
INCREASE	CLASS 210 PERSONAL SERVICES	49,203.44
DECREASE	CLASS 240 SUPPLIES & MATERIALS	-27,109.10
INCREASE	CLASS 250 CAPITAL OUTLAY	225,291.04
	CLASS 260 DEBT SERVICE	0.00
	CLASS 270 TRANSFERS & REIM.	0.00
	<b>TOTAL GRANT FUND</b>	<b>247,385.38</b>

## SECTION II:

That the adjustments made hereby increase the annual appropriations ordinance by \$247,385.38 All other adjustments by class do not increase or decrease any fund but adjusts line items within said funds.

# ORDINANCE 1717

Passed \_\_\_\_\_

## SECTION III:

For the reasons stated in the preamble hereof, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall take and be in force from the date of passage.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Michael O'Callaghan, Mayor

\_\_\_\_\_  
John Bruns, Vice-Mayor

\_\_\_\_\_  
Denise Winemiller,  
Clerk of Council

# RESOLUTION 20-07

Passed \_\_\_\_\_

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LAW OFFICE OF THE MONTGOMERY COUNTY PUBLIC DEFENDER TO PROVIDE LEGAL SERVICES FOR INDIGENT PERSONS CHARGED WITH JAILABLE OFFENSES UNDER THE CITY'S LOCAL ORDINANCES.

THE CITY OF UNION HEREBY RESOLVES THAT:

## SECTION I:

The City Manager is hereby authorized and directed to do all things necessary to execute a Contract between the City of Union and the Law Office of the Montgomery County Public Defender, a copy of which is attached hereto as Exhibit "A" and incorporated herein, which contract provides legal services for indigent persons charged with jailable offenses under the City's local Ordinances.

## SECTION II:

That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Michael O'Callaghan, Mayor

\_\_\_\_\_  
Denise A. Winemiller,  
Clerk of Council

\_\_\_\_\_  
John Bruns, Vice-Mayor



# Law Office of the Public Defender

Montgomery County, Ohio

## Montgomery County Public Defender Commission

Theresa G. Haire  
Public Defender

Kelli R. Howard  
Deputy Public Defender

Dianne F. Marx

Brian D. Weaver

Gary J. Leppla

Stacey Benson-Taylor

Bonnie Beaman Rice

October 26, 2020

Mr. John P. Applegate  
City Manager  
City of Union  
118 N. Main Street  
Union, Ohio 45322

RE: 2021 Public Defender Service Agreement

Dear Mr. Applegate:

I am enclosing our proposed Public Defender Agreement for the upcoming fiscal year. Because of the uncertainty surrounding all our budgets in the coming year, we chose not to increase our per case cost. At the request of the County Budget Department, we have provided the appropriate contract language for those rare occasions when our office must withdraw from a case due to a conflict of interest.

Upon approval, please return the agreement, and it will be sent to the Ohio Public Defender for final approval. A copy will then be returned to you.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

LAW OFFICE OF  
THE PUBLIC DEFENDER

A handwritten signature in black ink, appearing to read 'Theresa Haire', written over a faint, larger version of the signature.

Theresa Haire  
Montgomery County  
Public Defender

/smp

Enclosure

## **AGREEMENT FOR INDIGENT DEFENSE SERVICES IN MUNICIPAL COURT**

This Agreement is entered into by and between the Montgomery County Public Defender Commission and the Montgomery County Public Defender Office, with a mailing address of 117 South Main Street, 4<sup>th</sup> Floor, Dayton, Ohio 45422, (hereinafter referred to as the "COUNTY"), and the city of Union, with a mailing address of 118 N. Main Street, Union, Ohio 45322 (hereinafter referred to as the "CITY").

WHEREAS, the CITY of Union recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and

WHEREAS, Montgomery County has adopted a program whereby a Public Defender Commission has been formed and has appointed a Public Defender and if there is a conflict, then the court will appoint assigned counsel attorneys.

WHEREAS, the COUNTY Public Defender Commission pursuant to Ohio Revised Code §120.14 and §120.16 may enter into a contract with a municipal corporation whereby the County provides legal representation to indigent adults charged with a violation of an ordinance of a municipal corporation for which the penalty or possible adjudication includes the potential loss of liberty and under which the municipal corporation shall pay the COUNTY for these services.

WHEREAS, the contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the COUNTY Maximum Fee Schedule for Appointed Counsel, in order for the COUNTY to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.18, §120.33 and §120.35, and pay the CITY its appropriate share if such has not already been calculated into the formula to determine compensation, and

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

### **1. REPRESENTATION**

- 1.1 The COUNTY, on behalf of the CITY, agrees to provide legal representation in Vandalia Municipal Court on or after the commencement date and during the term of this agreement in cases where the defendant is indigent and charged with the commission of an offense or act which is in violation of a CITY ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.

- 1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender Commission and the State Public Defender, pursuant to Ohio Revised Code §120.03 and Ohio Administrative Code §120-1-03.

In addition to indigency determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

- 1.3 A major purpose of this agreement is to enable the COUNTY and CITY to obtain partial reimbursement of its costs to have the County Public Defender or appointed counsel in conflict situations, provide legal representation in Vandalia Municipal Court for indigent adults charged with any violation of CITY ordinance for which the penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this agreement should be resolved in favor of obtaining this result.

## **2. COMPENSATION**

- 2.1 CITY agrees to pay the COUNTY as follows:

- A. The City will pay the Public Defender the sum of \$156.46 (one hundred fifty-six dollars and forty-six cents) per case for which the Public Defender provides representation;
- B. A case shall be counted as any matter in which the City initially charges an indigent person under a City ordinance for which jail is a possible sentence and for which the Public Defender provides representation past the initial arraignment. Matters that have multiple City ordinance charges under one case number shall be counted as one case. Where a case has both ordinance charges and Ohio Revised Code charges, the municipality will be billed for the case whenever the ordinance is the highest degree charge or ties for the highest degree. Matters that are pled and sentenced at the initial arraignment shall be counted as .25 (one quarter) case. Matters that are reopened as the result of revocations, show causes, capiases, or for other reasons shall be counted as .20 (one fifth) case. There shall be no charge for the appeal of a case;
- C. The Public Defender shall issue a monthly invoice for the prior month's services and the City shall pay said invoice within 30 (thirty) days of receipt;



D. In addition to the payments for the Public Defender services, in conflict situations, where assigned counsel is appointed, the COUNTY will bill the CITY monthly for the municipal code violation cases the COUNTY paid in any particular month, based on qualifying attorney vouchers, less the amount the COUNTY is reimbursed by the State under the then current reimbursement rate. The COUNTY will issue an invoice to the CITY and the CITY will have 30 days to pay from date of receipt.

2.2 Reimbursement by the municipal corporation for representation of such indigent persons, whether by contractual amount or a fee schedule, shall not exceed the fee schedule in effect and adopted by the Montgomery County Commissioners.

### **3. DURATION OF CONTRACT AND TERMINATION**

3.1 The term of this agreement shall be for one year, January 1, 2021 to December 31, 2021 (OPTIONAL: This contract may be renewed for additional one-year terms upon proper resolution of each entity agreeing to the one-year extension and proper appropriation of funding for the new year. Copies of the resolutions are to be sent to the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215).

3.2 If COUNTY or CITY shall fail to fulfill in a reasonable, timely and proper manner its obligations under this agreement or if either party shall substantially violate any of the covenants, agreements or stipulations of this agreement, then the aggrieved party shall hereupon have the right to terminate this agreement by giving written notice to the other party of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this agreement by the other party.

3.3 Written notice shall be considered furnished when it is sent by Certified Mail; return receipt requested or in hand delivered.

3.4 This agreement is automatically canceled, without requirement of notice, if any payment required by Section 2.1 of this agreement is not made within 60 days of the date on which it is due.

### **4. TERMS OF AGREEMENT**

4.1 Indigency and client eligibility for representation under this agreement shall be determined in conformity with the standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.

- 4.2 The Ohio Public Defender Office has established caseload standards as stated in Ohio Administrative Code. The Montgomery County Public Defender Office will maintain caseload requirements as set forth in Ohio Administrative Code (§120-1-07(B)).
- 4.3 Recognizing that the requests for reimbursements must be received by the State Public Defender in a timely manner, the City of Vandalia Court Clerk shall promptly notify the COUNTY of the Municipal ordinance cases completed and pending in any month.
- 4.4 After approval, the County Auditor shall thereafter, process the fees and expenses approved by the Court in accordance with the procedure set forth in Ohio Revised Code §120.33.
- 4.5 There shall be no discrimination against any employee who is employed in the work covered by this agreement or against any application for such employment because of the race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The COUNTY shall insert a similar provision in any subcontract for services covered by this agreement.
- 4.6 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

## **5. MODIFICATION**

- 5.1 This contract may not be amended orally.
- 5.2 This contract may be amended only by written addendum, signed and executed by the parties named herein, or their successors.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

THE CITY OF UNION, OHIO

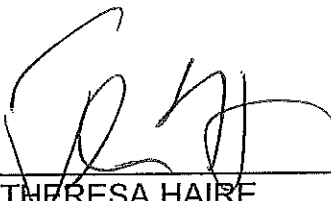
MONTGOMERY COUNTY  
PUBLIC DEFENDER COMMISSION

BY: \_\_\_\_\_  
JOHN P. APPLGATE  
City Manager

BY: \_\_\_\_\_  
DIANNE F. MARX  
Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
JOSEPH P. MOORE  
Legal Counsel

BY:  \_\_\_\_\_  
THERESA HAIRE  
Montgomery County  
Public Defender

# RESOLUTION 20-08

PASSED \_\_\_\_\_

A RESOLUTION AMENDING THE RULES OF COUNCIL.

WHEREAS, Section 2.06 (C) of the Union Charter provides that "the Council shall determine its own rules and order of business"; and

WHEREAS, the proposed amendment to the Rules of Council pertaining the Mayor's authority to cancel a meeting of Council has been duly considered;

WHEREAS, Council regards the proposed amendment as necessary and desirable for the purpose of facilitating orderly public participation in Council matters but at the same time not causing Council Members to attend meetings wherein no action can be taken or it is unsafe to attend;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Union, Montgomery County, Ohio as follows:

## SECTION I:

That the City council of Union hereby adopts the following amendment (bold face text) to its Rules of Council.

1. Meetings of Council. Council shall meet for organizational meetings on January 1, following each municipal election, or within fourteen days thereafter. A copy of Council Rules shall be sent to new Council members as soon as possible after each municipal election. Regular meeting dates shall be the second and fourth Mondays of each calendar month at 7:30 p.m. When a regular meeting date would fall upon a nationally recognized holiday, Council may at the regular meeting preceding such holiday date, by motion, set another day for a meeting to take the place of the regular meeting so falling on the holiday. The day or time of regular meetings may be changed by motion of Council at any meeting prior to the affected meeting. Council shall meet regularly at such times and places as Council may prescribe by rule at its organizational meeting after each municipal election as aforesaid. Special meetings may be held on the call of the Mayor or of four or more Council members and whenever practicable upon no less than twelve hours notice. All meetings shall be public. However, pursuant to Rule 21, Council may recess for the purpose of discussing in a closed or executive session limited to its own membership and such other persons as Council by a majority vote upon its motion may invite or require to attend. The subject matter which may be discussed in such closed or executive session is

## RESOLUTION 20-08

PASSED \_\_\_\_\_

any matter which would tend to defame or prejudice the reputation of any person or matters of confidential nature provided that the general subject matter for consideration in such closed or executive session shall be expressed in the motion calling for such session and final action thereon shall not be taken by Council until the matter is placed on the agenda for consideration and action at a regular or special Council meeting. **The Mayor, after consultation with the City Manager, may cancel a meeting because of an Emergency including but not limited to knowledge that a Quorum of Council Members will not be able to attend.**

### SECTION II:

That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Michael O'Callaghan  
Mayor

\_\_\_\_\_  
Denise A. Winemiller,  
Clerk of Council

\_\_\_\_\_  
John Bruns, Vice-mayor