

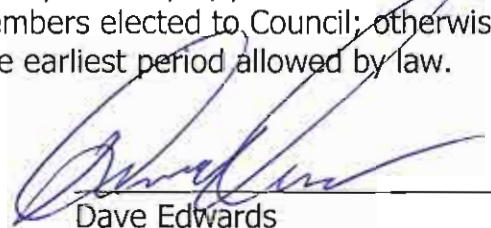
Resolution No. 2010-1 Passed JAN 1 2010, 20

RESOLUTION ELECTING A PRESIDENT PRO TEMPORE OF COUNCIL, PURSUANT TO COUNCIL RULE 11, FOR THE YEARS 2010 and 2011, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

SECTION 1. That Mike Thomas be and he is hereby elected President Pro Tempore of Council of the City of Marion, Ohio for the years 2010 and 2011.

SECTION 2. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of said City and for the further reason that it is necessary for the daily operation of the City and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: JAN 4 2010

 Mayor Scott Schertzer

Attest;

 Clerk of Council

Resolution No. 2010-2 Passed JAN 1 2010 20

RESOLUTION ELECTING A CLERK OF COUNCIL, PURSUANT TO COUNCIL RULE 11, FOR THE YEARS 2010 and 2011, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

SECTION 1. That Irene Fulton be and she is hereby elected Clerk of Council of the City of Marion, Ohio for the years 2010 and 2011.

SECTION 2. The duties, obligations and benefits of the Clerk shall be as are set forth in the previous existing job description and those other duties as council finds to be reasonable.

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of said City and for the further reason that it is necessary for the daily operation of the City and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



Dave Edwards
President of Council

Approved: JAN 4 2010



Mayor Scott Schertzer



Clerk of Council

Resolution No. 2010-3

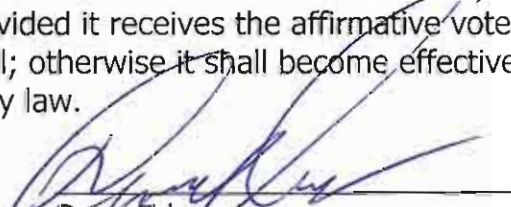
Passed JAN 1 2010 20

RESOLUTION ELECTING A CLERK PRO TEMPORE OF COUNCIL,
PURSUANT TO COUNCIL RULE 11, FOR THE YEARS 2010 and 2011,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,


SECTION 1. That Linda Strzelecki be and she is hereby
elected Clerk Pro Tempore of Council of the City of Marion, Ohio for the years 2010
and 2011.

SECTION 2. That this resolution is hereby declared to be an emergency
measure necessary for the immediate preservation of the public peace, welfare and
safety of said City and for the further reason that it is necessary for the daily
operation of the City and as such shall take effect and be in force immediately upon
its passage and approval by the Mayor, provided it receives the affirmative vote of
two-thirds of all members elected to Council; otherwise it shall become effective
from and after the earliest period allowed by law.



Dave Edwards
President of Council

Approved: JAN 4 2010



Mayor Scott Schertzer

Attest;



Clerk of Council

Resolution No. 2010-4

Passed JAN 25 2010, 20

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO THE MARION COUNTY COMMISSIONERS FOR MONIES DERIVED FROM THE AUTOMOBILE LICENSE TAX, AND DECLARING AN EMERGENCY.

WHEREAS, the Marion County Commissioners passed a resolution on September 10, 1969 in the matter of the policy on distribution of the \$5.00 permissive auto tax monies, to wit: That no later than the first Monday in February of each year shall be a deadline for this Board to receive from the various cities and villages, County Engineer approved requests for their portion of said monies, after which the Board will examine, view and certify amounts available to each qualified applicant, so they may be eligible to draw their portion after they present a signed contract for improvement to be done, and

WHEREAS, Council, on September 23, 1968, passed Resolution No. 68-39 which stated that Council desired to finance certain improvements from funds allocated by the County Commissioners from the annual license tax of \$5.00.

BE IT RESOLVED by the City of Marion, Marion County, Ohio.

Section 1. That the Mayor is hereby directed to make the proper application to the Marion County Commissioners for the City's portion of the \$5.00 permissive auto tax monies to apply against the following listed project:

Resurfacing:

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1.	Fairlane Ave.	Richmond Ave.	Fairwood Ave.
2.	Bain Ave.	S. State St.	S. Vine St.
3.	Summit St.	Church St.	Mt. Vernon Ave.
4.	Plantation Dr.	Brightwood Dr.	Uhler Ave.
5.	Vernon Hts Blvd.	Mt. Vernon Ave.	Delaware Ave.
6.	Burgundy Dr.	Normandy Dr.	Marseille Dr.
7.	Miami St.	Bellefontaine Ave.	McKinley St.
8.	McKinley St.	Park. Blvd.	Olney Ave.
9.	Latourette St.	Brown Ave.	W. Center St.
10.	Brown Ave.	Clinton St.	Waterloo St.
11.	Prospect St.	N. Corporation	Walnut St.
12.	Leader St.	W. Center St.	W. Fairground St.
13.	Spencer St.	Indiana Ave.	E. Center St.
14.	S. Vine St.	Lafayette St.	E. Walnut St.
15.	Edwards St.	Silver St.	Hocking St.
16.	Davids St.	Bellefontaine Ave.	Barks Road
17.	Willow St.	S. Vine St.	Bradford St.
18.	Seffner Ave.	W. Center St.	North Termini
19.	Adams St.	N. Greenwood St.	Jefferson St.
20.	Olney Ave.	Center St.	Bellefontaine Ave.
21.	Mark St.	Prospect St.	Jefferson St.
22.	Westlawn Dr.	Vancouver Dr.	Catalina Dr.
23.	Tyler St.	E. Fairground St.	Adams St.

Resolution No. 2010-4 ^{JAN.} Passed JAN 25 2010 20

- | | | |
|---------------------|----------------|----------------|
| 24. George St. | Greenwood St. | Jefferson St. |
| 25. Kenton Ave. | W. Corporation | Center St. |
| 26. Mt. Vernon Ave. | Grand Ave. | E. Corporation |
| 27. Central Dr. | Littleton St. | Roberts Ave. |
| 28. Bennett St. | Latourette St. | W. Corp. Line |
| 29. Van Buren St. | Grant St. | Jefferson St. |
| 30. Chateau Dr. | Normandy Dr. | Richland Rd. |
| 31. Shadyside Dr. | Brightwood Dr. | Forest St. |
| 32. Curve St. | Center St. | Bennett St. |

Section 2. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to make application to the Marion County Commissioners by the first Monday in February, 2010 and as such shall take effect and be enforced immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: JAN 26 2010


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Resolution No. 2010-5

Passed JAN 25 2010 . 20

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$11,704.26 TO THE 2008 MARION COUNTY HOMELAND SECURITY GRANT FOR THE FIRE DEPT

Whereas, the City of Marion has determined a need to advance funds for a Mass Casualty Trailer in anticipation of the 2008 Marion County Homeland Security Grant for the Marion City Fire Department, and

Whereas, the City of Marion anticipates the reimbursement of any and all advances to be repaid to the General Fund by December 31, 2010, and

Whereas, the project will need to proceed in the 2009 year and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Ohio:

Section 1. The Auditor is hereby authorized to advance the cost of said Capital Item in the amount of \$11,704.26 (101.1002.5304 - Fire Dept. Capital Equipment)

Section 2. That the City of Marion anticipates said advances being repaid to the General fund by December 31, 2010.

Section 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: JAN 25 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

RECORD OF RESOLUTIONS

0349

Dayton Legal Blank, Inc. Form No. 30045

Resolution No. 2010-6

Passed

FEB 08 2010

, 20

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$25,000 TO THE VIOLENCE AGAINST WOMEN ARRA GRANT

WHEREAS, the City of Marion has determined a need to advance funds for the Violence Against Women ARRA Grant.

WHEREAS, the City of Marion anticipates the reimbursement of all advances to be repaid to the General Fund by December 31, 2010 and

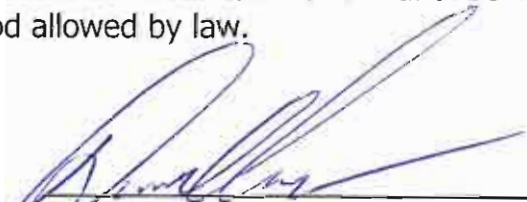
WHEREAS, the project will need to proceed in the 2010 and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Auditor is hereby authorized to advance the cost of said ARRA funds in the amount of 25,000

Section 2. That the City of Marion anticipates said advances being repaid to the General Fund by December 31, 2010

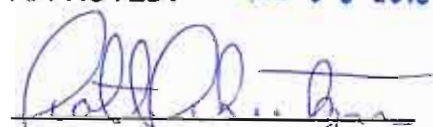
Section 3. That this resolution shall take effect and be in forced from and after the earliest period allowed by law.



Dave Edwards

President of Council

APPROVED: **FEB 08 2010**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Resolution No. 2010-7

Passed **FEB 08 2010** .20

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$10,000 TO THE SCHOOL RESOURCE OFFICER ARRA GRANT

WHEREAS, the City of Marion has determined a need to advance funds for the School Resource Officer ARRA Grant.

WHEREAS, the City of Marion anticipates the reimbursement of all advances to be repaid to the General Fund by December 31, 2010 and

WHEREAS, the project will need to proceed in the 2010 and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Auditor is hereby authorized to advance the cost of said ARRA funds in the amount of 10,000

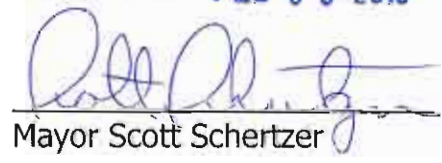
Section 2. That the City of Marion anticipates said advances being repaid to the General Fund by December 31, 2010

Section 3. That this resolution shall take effect and be in forced from and after the earliest period allowed by law.



Dave Edwards
President of Council

APPROVED: **FEB 09 2010**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Resolution No. 2010-8

Passed FEB 22 2010 20

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF PHIL HARBOLT AS A MEMBER OF THE MARION CITY DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1990-5, the Mayor of the City of Marion is authorized to appoint members to the Design Review Board, subject to the approval and consent of Council, and

WHEREAS, Mayor Scott Schertzer, has asked Council for its approval and consent to the re-appointment of Phil Harbolt to said Board for a term of four (4) years to end December 31, 2013, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the appointment by Mayor Scott Schertzer of Phil Harbolt to serve a four-year term ending December 31, 2013 as a member of the Marion City Design Review Board to wit:

<u>MEMBER</u>	<u>TYPE OF MEMBER</u>	<u>TERM</u>
Phil Harbolt	Affiliated with business or organization within Design District	4-year term ending December 31, 2013

Be and the same is hereby approved and confirmed and the consent of Council to such appointment be and the same is hereby granted.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said City, and as such, shall take effect and be in force upon its passage and approval by the Mayor, provided that it receives the affirmation vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

APPROVED: FEB 23 2010


 Mayor Scott Schertzer


 Clerk of Council

Resolution No.

2010-9

Passed

MAR - 8 2010

, 20

RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, section 5513.01(B) provides the opportunity for municipal corporations and other Governmental entities to participate in purchase contracts which the Ohio Department of Transportation has procured for the purchase of machinery, materials, including but not limited to road salt, supplies or other articles;

BE IT RESOLVED by the City of Marion, Marion County, Ohio,:

Section 1. The Council hereby grants authority in the name of the City of Marion, Ohio to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, including but not limited to road salt, supplies or other articles which the Department has entered into pursuant to O.R.C. 5513.01 (B).

Section 2. The Council agrees in the name of the City of Marion, Ohio to be bound by all terms and conditions contained within the ODOT program rules as the Director of Transportation prescribes.

Section 3. The Council hereby grants all necessary authority to directly pay the vendor, under each contract of the Ohio Department of Transportation in which the Council participates, for each item it receives pursuant to the contract.

Section 4. The City of Marion, Ohio agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in a contract pursuant to O.R.C. 5513.01 (B).

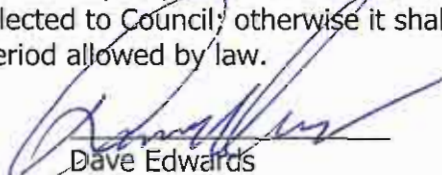
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to make application to the Ohio Department of Transportation by March 26, 2010 and as such shall take effect and be enforced immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED:

MAR - 9 2010


 Mayor Scott Schertzer


 Dave Edwards
 President of Council

Attest:


 Clerk of Council

Resolution No. 2010-10

Passed MAY 2 2010, 20

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF INDIVIDUALS AS MEMBERS OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 159.02 of the Codified Ordinance of Marion, the Mayor of the City of Marion is authorized to appoint members of the Airport Commission, subject to the approval and consent of Council of said City, and

WHEREAS, Mayor Scott Schertzer has asked Council for its approval and consent to the appointment said individuals to the Airport Commission for a term of three (3) years, with said term to begin June 1, 2010, and to end May 31, 2013.

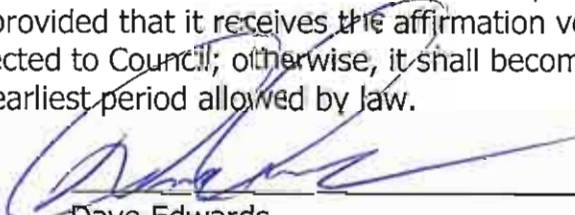
BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the appointment by Mayor Scott Schertzer of the following individuals to the Airport Commission to wit:

<u>MEMBER</u>	<u>TYPE OF MEMBER</u>
Thomas Brian Clark	Person employed or associated with a non-fixed base operator at the Marion Municipal Airport.
Douglas Holbrook	Member of Marion Chamber of Commerce.

be and the same is hereby approved and confirmed and the consent of Council to such appointment be and the same is hereby granted.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said City, and as such, shall take effect and be in force upon its passage and approval by the Mayor, provided that it receives the affirmation vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



Dave Edwards
President of Council

Approved: **MAY 25 2010**



Mayor Scott Schertzer

Attest;



Clerk of Council

Resolution No. 2010-10

Passed JUN 28 2010, 20

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2011, AND DECLARING AN EMERGENCY

WHEREAS, the annual tax budget of the City of Marion for the year 2011 has been heretofore prepared, and

WHEREAS, public notice has been given by publication of the notice of public hearing thereon for at least (10) days prior to the date of such public hearing, and

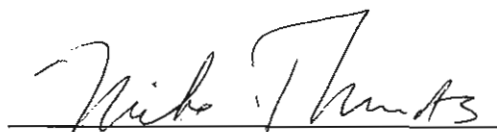
WHEREAS, such public hearing has been properly held on said budget and no objections or exceptions thereto have been made or presented to the officials of the City

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the tax budget of the City of Marion, Ohio for the year 2011 be and the same is hereby approved and adopted.

Section 2. That the Clerk of Council of the City of Marion be and she is hereby authorized, employed and directed to submit a duly certified copy thereof to the County Auditor of Marion County, Ohio as provided by law.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for further reason that said budget must be filed with the County Auditor by July 20, 2010; and as such emergency, shall take effect and be in force immediately upon the passage and approval by the Mayor provided it received the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall be effective from and after the earliest period allowed by law.



President *Pro Tempore*

APPROVED: JUN 29 2010


Acting Mayor

ATTEST:


Clerk of Council

Resolution No. 2010-11

Passed JUL 12 2010 20

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$18,632 AND ESTABLISH A NEW FUND FOR HOMELAND SECURITY GRANT

WHEREAS, the City of Marion has determined a need to advance funds for the Homeland Security Grant.

WHEREAS, the City of Marion anticipates the reimbursement of all advances to be repaid to the General Fund by December 31, 2010 and

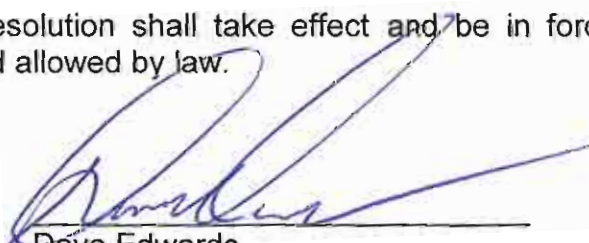
WHEREAS, the project requires that funds are advance from the General Fund and a new fund be established.

Now therefore, be it resolved by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Auditor is hereby authorized to advance the cost of said Homeland Security Grant Fund in the amount of 18,632

Section 2. That the City of Marion Anticipates said advances being repaid to the General Fund by December 31, 2010

Section 3. That this resolution shall take effect and be in forced from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: JUL 13 2010


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Resolution No. 2010-13

Passed AUG 09 2010 . 20

RESOLUTION STATING MARION CITY COUNCILS SUPPORT FOR BIO- PREFERRED PURCHASING POLICY SENATE BILL 131

WHEREAS, the City of Marion, Ohio believes it is important to incorporate products into daily municipal operations that protect the environment, reduce our dependence on foreign oil and eliminate unnecessary waste; and

WHEREAS, bio-based products are composed, in whole or in significant part, of biological products or renewable domestic agricultural or forestry materials; and

WHEREAS, many bio-based products of equal or higher quality are available and could replace petroleum or chemical-based products we currently use for an equivalent price; and

WHEREAS, the incorporation of such products is consistent with our community's interest in becoming more green and supporting Ohio agriculture; and

WHEREAS, the Ohio general Assembly recently passed SB 131 establishing a bio-preferred purchasing procedure for the State of Ohio, which was signed into law on February 27, 2010 and

WHEREAS, implementing a bio-preferred purchasing policy consistent with state law is in the best interest of the citizens of Marion, Ohio; and

THEREFORE BE IT RESOLVED, by the Council of the City of Marion, Marion County Ohio that:

Section 1. Every effort will be made to make the City of Marion a greener government through the incorporation of policies, programs and products that protect the environment, reduce our dependence on foreign oil, and eliminate unnecessary waste.

Section 2. Our departments, purchasing agents and staff will identify bio-based products that can be incorporated into our daily operations.

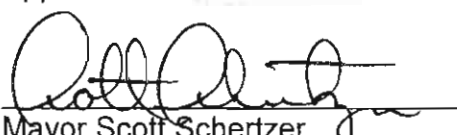
Section 3. We will research and develop a customized bio-preferred purchasing procedure for our city that is consistent with state law and facilitates the operational inclusion of bio-based products found to be of an equal or higher quality and value.


Section 4. The Staff will provide an update to Council on a quarterly basis apprising us of their progress in this regard.

Section 5. This Resolution shall become effective upon its adoption.

Approved: AUG 10 2010


 Dave Edwards
 President of Council


 Mayor Scott Schertzer

Attest;

 Clerk of Council

Resolution No. 2010-14

Passed

SEP 13 2010

20

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Whereas, this Council, in accordance with the provisions of law, has previously adopted a budget for the next succeeding fiscal year commencing January 1, 2011, and

Whereas, the Budget Commission of Marion County, Ohio has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied within the ten mill limitation, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio that the amount and rate as determined by the Budget Commission on its certification be, and the same are hereby accepted, and

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within the ten mill limitation and without the ten mil limitation as follows:

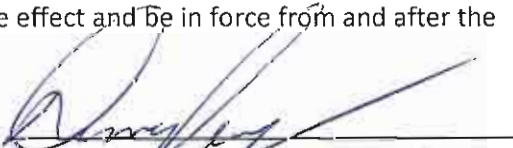
SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES.

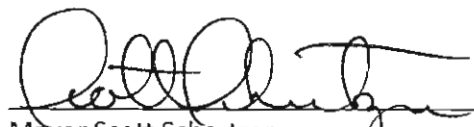
NAME OF FUND	AMT. TO BE DERIVED FROM LEVIES OUTSIDE THE 10 MILL. LIMITATIONS	AMT. APPROVED BY THE BUDGET COMMISSION INSIDE THE 10 MILL LIMITATION	COUNTY AUDITORS ESTIMATE OF TAX RATE TO BE LEVIED		
			General	Police	Fire
General		\$1,222,385			
Police		\$116,079.00			
Fire		\$116,079.00			
Marion City SD D12			3.60	.30	.30
Marion City D13		\$1,293.00	2.60	.30	.30
Elgin SD					
Marion City D14		\$35,318.00	.90	.30	.30
Pleasant SD					
Marion City D15		\$18,809.00	2.70	.30	.30
River Valley SD					
Marion City D41		\$940.00	1.40	.30	.30
Ridgedale SD					

BE IT FURTHER RESOLVED that the Clerk of this Council be and she is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Section 1. That this resolution shall take effect and be in force from and after the earliest period allowed by law.


 David Edwards, President of Council

APPROVED: SEP 14 2010


 Mayor Scott Schertzer

Attest;

 Clerk of Council

Resolution No. 2010-15

Passed SEP 19 2010 20

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH ODOT FOR FY 2011 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH ODOT UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these projects, and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

SECTION 1. That the Mayor is authorized to execute and file an application on behalf of the City of Marion with the Ohio Department of Transportation to aid in the financing of capital and operating assistance projects pursuant to 49 USC Section 5311, the Ohio Public Transportation Grant Program, and the Ohio Elderly and Disabled Transit Fare Assistance Program.

SECTION 2. That the Mayor is authorized to execute and file with such applications and assurance or any other documents required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

SECTION 3. That the Mayor is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the application for the program of projects submitted to FTA.

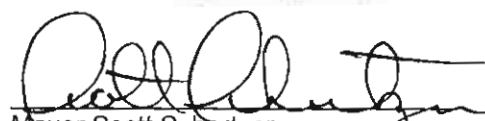
SECTION 4. That the Mayor is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurements made as part of the project.

SECTION 5. That the Mayor is authorized to execute grant agreements on behalf of the City of Marion with the Ohio Department of Transportation for aid in the financing of operating and capital assistance projects.

SECTION 6. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

Approved: SEP 14 2010


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest;


Clerk of Council

Resolution No. 2010- 16

Passed SEP 27 2010 . 20

RESOLUTION APPROVING THE ADOPTION OF A PRIVATE OHIO 457 PLAN FOR ELIGIBLE EMPLOYEES WITHIN THE CONTEXT OF SECTION 457 OF THE INTERNAL REVENUE CODE, AND DIRECTING AND AUTHORIZING THE ADMINISTRATION TO TAKE ALL STEPS TO OFFER THE PLAN IMMEDIATELY

WHEREAS, City of Marion, Ohio employees have requested Council to adopt Financial Network of America, Ltd.'s 457 Plan in order to make available to the employees an additional alternative to the City's currently offered plan, and

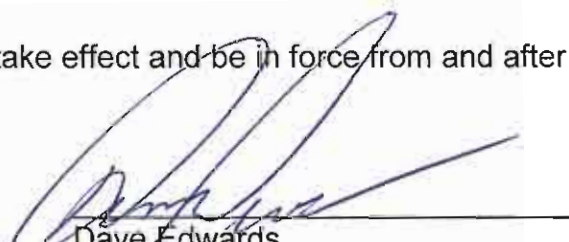
WHEREAS, the proponents of the plan have acknowledged they have not yet received the necessary private letter ruling from the I.R.S., but have indicated they have filed for same and expect to receive same sometime in the first half of this coming year, and

WHEREAS, The Law Director and the administration have each recommended to Council not adopt the plan until such time as all requirements of Ohio Law have been complied with, specifically the mandate contained within O.R.C. 145.73(A) which requires all plans adopted have the appropriate assurance of the approval of the internal revenue service and Section (e) therein which requires municipalities to adopt only authorized plans, and


BE IT RESOLVED, by the Council for the City of Marion, Ohio:

Section 1. Council finds it appropriate to authorize and direct the Administration to take all actions necessary or required to adopt the Financial Network of America, Ltd.'s 457 Plan after said entity has provided the Plan Document, the Adoption Agreement, and component Benefit Plans and Policies, which shall have an effective date specified with the Agreement providing for the Plan's adoption. This authorization includes any action necessary or required to obtain or maintain compliance with applicable federal, state or local law.

Section 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: SEP 28 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Resolution No. 2010-18

Passed OCT 25 2010, 20

RESOLUTION TO EXPRESS SUPPORT FOR PASSAGE OF HOUSE BILL 344 AND SENATE BILL 228 LIMITING RECOVERY OF RATE-CASE EXPENSES FOR CERTAIN WATER WORKS AND SEWAGE DISPOSAL SYSTEM COMPANIES

WHEREAS, the residents of the City of Marion, Marion County, Ohio have been subjected to excessive rate increases for water (and sewer if appropriate) in recent years; and

WHEREAS, Representatives Goyal and Harris have proposed House Bill 344 and Senators Goodman and Hughes have proposed Senate Bill 228, which are bills that limit the recovery of rate-case expenses from consumers for certain water works and sewage disposal system companies; and

WHEREAS, the bills would put reasonable limits on the fees publicly owned water works and sewage disposal companies may charge their customers for rate-case expenses; and

WHEREAS, the bills represent an important effort to keep water (and sewer rates if appropriate) reasonable for economic development and to create communities that are affordable to live in; and

WHEREAS, current law allows water works and sewage disposal companies to pass on one hundred percent (100%) of their rate case expenses including legal fees, research costs, rate-related study costs, and more; and

WHEREAS, House Bill 344 and Senate Bill 228 apply only to companies who serve 15,000 or more customers; and

WHEREAS, the bills would involve approximately 145,000 Ohio customers receiving water and sewage disposal services from companies which would be affected by these bills; and

WHEREAS, Ohio American Water Company serves the City of Marion, Marion County, Ohio of affected by these bills; and

WHEREAS, the residents of the City of Marion, Marion County, Ohio are positively impacted by passage of House Bill 344 and Senate Bill 228.

NOW THEREFORE BE IT RESOLVED by the City of Marion, Marion County, Ohio

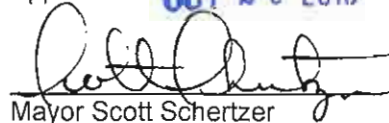
Section 1. That the City of Marion, Marion County, Ohio hereby expresses its support for House Bill 344 and Senate Bill 228 on the basis that the legislation will put reasonable limits on rate case expenses that can be passed on to consumers.

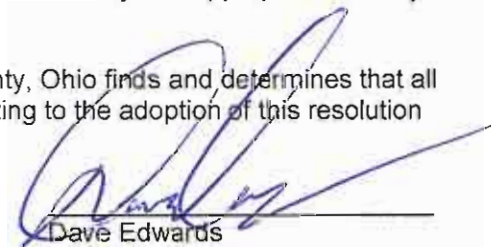
Section 2. That a copy of this resolution be sent to the House of Representatives Public Utilities Committee, the Senate Energy and Public Utilities Committee, the Senator and Representative representing the City of Marion, Marion County, Ohio, the General Assembly leadership, Governor Strickland, the Chairman of the Public Utilities Commission of Ohio, and the Office of the Ohio Consumers' Counsel.

Section 3. That the Chair of such body that has supported passage of this resolution is authorized to take such other action and execute and deliver such other documents as, acting with the advice of legal counsel, he shall deem necessary and appropriate to carry out the intent of this resolution.

Section 4. That the City of Marion, Marion County, Ohio finds and determines that all formal deliberations and actions concerning and relating to the adoption of this resolution were taken in open meetings.

Approved: OCT 26 2010


Mayor Scott Schertzer


Dave Edwards
President of Council

Attest;


Clerk of Council

Resolution No. 2010-19

Passed DEC 13 2010 20

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF SCOTT K. CRIDER AS A MEMBER OF THE MARION CITY DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1990-5, the Mayor of the City of Marion is authorized to appoint members to the Design Review Board, subject to the approval and consent of Council, and

WHEREAS, Mayor Scott Schertzer, has asked Council for its approval and consent to the re-appointment of Scott K. Crider to said Board for a term of four (4) years to end December 31, 2014.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the appointment by Mayor Scott Schertzer of Scott K. Crider to serve a four (4) year term ending December 31, 2014 as a member of the Marion City Design Review Board be and is hereby confirmed and approved.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said City, and as such, shall take effect and be in force upon its passage and approval by the Mayor, provided that it receives the affirmation vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



Dave Edwards
President of Council

Approved: DEC 14 2010



Mayor Scott Schertzer

Attest:



Clerk of Council

Resolution No. 2010-20

Passed DEC 13, 2010, 20

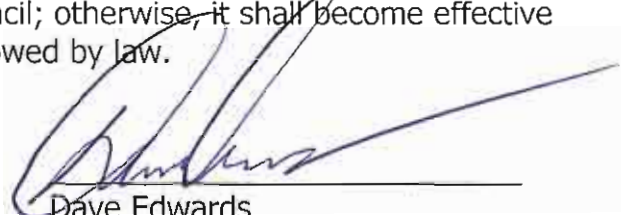
RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF CAROL COLUMBER TO SERVE AS A MEMBER OF THE MARION COUNTY GENERAL HEALTH DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, With a majority vote on November 4, 2008, the citizens of the City of Marion and Marion County, Ohio, voted to combine the Marion City Health Department and the Marion County Health Department to create the Marion County General Health District.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

Section 1. That the re-appointment by Mayor Scott Schertzer of Carol Columber, to serve a three-year term beginning January 1, 2011, as a member of the Marion County General Health District, and for which term expires December 31, 2013, be and is hereby confirmed and approved.

Section 2. That the resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: DEC 14 2010


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Resolution No. 2010-21

Passed DEC 13 2010, 20

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF GERALD DAVIS AS A MEMBER OF THE MARION ENTERPRISE ZONE-COUNTY TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the re-appointment by Mayor Scott Schertzer of Gerald Davis to serve an additional five (5) year term ending December 31, 2015 as a member of the Marion Enterprise Zone – County Tax Incentive Review Council be and is hereby confirmed and approved.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said City, and as such, shall take effect and be in force upon its passage and approval by the Mayor, provided that it receives the affirmation vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

APPROVED: DEC 14 2010


 Mayor Scott Schertzer

Attest;


 Clerk of Council