

INTERNAL MEMORANDUM

Office of the City Administrator

Springdale, Ohio

October 11, 2013

To: Mrs. Marjorie Harlow
President
Springdale City Council

From: Derrick Parham
City Administrator

Re: Report on Pending and Future Legislation

Item I

An Ordinance Enacting and Adopting the 2009 S-10, 2010 S-11, 2011 S-12, 2012 S-13, and the 2013 S-14 Supplements to the Springdale Code of Ordinances and Declaring an Emergency

Each year the State of Ohio adopts a number of amendments or supplements to the Ohio Revised Code (ORC). Up until 2009, the City of Springdale has enacted or adopted a number of those supplements. Some of them are required for us to enact, others are optional. Unfortunately, from 2009 until today we have not adopted any. All of the supplements to be considered by Council are related to the City's Traffic Code and other Law Enforcement issues. The City's Police Chief has reviewed the supplements, and it is his recommendation that Council adopt them as well.

For the most part, many of these supplements will redefine the penalty phase for a number of violations from one category to another. Some offenses may have previously been considered a misdemeanor of the fourth degree or minor misdemeanor and are now considered as unclassified misdemeanors. An unclassified misdemeanor has no specific degree of punishment attached to it and typically provides latitude for the court to determine the appropriate punishment within certain guidelines. Others have been re-classified from being an escalating misdemeanor to a classified misdemeanor (a misdemeanor with a more definitive punishment). An escalating misdemeanor is one where the potential penalty increases as the severity of the act changes or is due to previous convictions being taken into consideration. In the case of an OVI (operating a vehicle under the influence) or leaving the scene of an auto accident, the penalties have

increased. A conviction under either of these two (2) now includes having one's driving privileges suspended.

In an effort to align the City's Code of Ordinances with the State of Ohio, Council will need to enact the aforementioned supplements. Once adopted, the City's Police Department will be able to enforce these laws in accordance with State law.

An ordinance, with an emergency clause, enacting and adopting the 2009 S-10 through 2013 S-14 supplements which reflects changes to the Ohio Revised Code will be before Council at the **10/16/2013** meeting. Due to the enormous volume of pages included, a copy of the supplements has not been attached to the legislation, however the supplements will be available for inspection in the office of the Clerk of Council/Finance Director.

Item II

An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into an Agreement to Provide for Mutual Aid Police Protection and Declaring an Emergency

In January 2012, the City adopted legislation amending the Hamilton County Mutual Aid Agreement for Police Departments. The amendment to the agreement at that time primarily addressed the following items: 1) clarified that the "Employing Agency" is responsible for the actions of its officer (employee) and any costs associated with the officer's actions when in another participating jurisdiction; 2) incorporated the previous separate "SWAT addendum document" as a part of the overall mutual aid agreement; and 3) clarified the definition of what constitutes a serious traffic violation.

At the time the new language was adopted, there were several insurance carriers and jurisdictions expressing concerns with some of the revised wording in the agreement. The jurisdictions agreed to sign-off on the 2012 version in order to have a more updated agreement available. As a result, the Hamilton County Police Chief's Association worked on the agreement for 2013 to make sure it was fully updated and contained wording everyone could live with. Most of the new proposed language does not have a major impact on our operations. The City's Police Chief as well as our Insurance provider (Miami Valley Risk Management Association or MVRMA) have reviewed the final draft and are supportive of the same. At this time, all reviews of the document have been concluded, and the Hamilton County Police Chief's are recommending that all participating jurisdictions adopt the agreement.

An ordinance, with an emergency clause, authorizing the execution of the revised agreement for mutual aid police protection, is scheduled to appear before Council at the **10/16/2013** meeting.

Item III

A Resolution Adopting the Hamilton County Multi-Hazard Mitigation Plan

The City of Springdale previously adopted the Hamilton County Multi-Hazard Mitigation Plan by Resolution R17-2003 on November 5, 2003 and again by Resolution R16-2007 on October 3, 2007. It is essential for the County to have a collective Natural Hazard Mitigation Plan in place as it is a requirement for Federal disaster relief funding.

Every five (5) years, FEMA requires each Multi-Hazard Mitigation Plan be reviewed and updated. The City of Springdale participated in the review of the Hamilton County Plan which has now been accepted and approved by FEMA. Now that FEMA has approved the Plan, each participating Hamilton County community is asked to formally adopt the Plan. If a community does not participate and formally adopt the County's Plan, that community will be required to develop their own plan or they will not be eligible for Federal Mitigation Funding.

A resolution adopting the Hamilton County Multi-Hazard Mitigation Plan will be presented for Council's consideration at the **10/16/2013** meeting. The number of pages for the Plan is considerably large, therefore a hardcopy has not been attached to the legislation. Instead, an electronic version on compact disc will be available for review in the office of the Clerk of Council/Finance Director.

Mayor
Clerk of Council / Finance Director
City Council
Assistant City Administrator
Law Director
City Engineer
Department Directors
Recording Secretary
Reading File