



# CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR  
BRUCE E. DUKE • JACQUE FISHER • BILL LAUTAR • ROBERT SCOTT • JOSEPH D. WANAMAKER

## KETTERING COUNCIL AGENDA

February 9, 2021

**\*\*REMOTE TELECONFERENCE MEETING\*\***

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**\*\*NOTE: DUE TO THE COVID-19 PANDEMIC, THE FEBRUARY 9, 2021 MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. ALTHOUGH NO ONE WILL BE IN OR BE ABLE TO ACCESS COUNCIL CHAMBERS DURING THE MEETING, THE PUBLIC MAY STILL OBSERVE AND HEAR THE MEETING THROUGH VARIOUS MEANS. THE MEETING WILL BE TELEVISIONED AS USUAL ON MVCC CABLE CHANNEL 6 AND STREAMED LIVE OVER THE INTERNET AT MVCC.NET. IT WILL ALSO BE RECORDED AND AVAILABLE FOR LATER VIEWING AT MVCC.NET.**

CITIZENS WISHING TO SPEAK TO CITY COUNCIL DURING THE MEETING SHOULD CONTACT THE CLERK OF COUNCIL'S OFFICE BY PHONE AT (937) 296-2416 DURING NORMAL BUSINESS HOURS OR SEND AN EMAIL TO [KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG](mailto:KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG) FOR INSTRUCTIONS. (THIS EMAIL ADDRESS WILL BE MONITORED DURING THE MEETING.) AFTER COMPLETING THE INSTRUCTIONS, CITIZENS WAITING TO SPEAK WILL BE MUTED UNTIL THAT PORTION OF THE MEETING WHERE CITIZEN COMMENTS ARE HEARD AND IT IS THEIR TURN TO SPEAK. BEFORE SPEAKING, ALL CITIZENS MUST STATE THEIR NAME AND ADDRESS FOR THE RECORD. SPEAKERS MUST BE RESPECTFUL. THERE IS A FIVE MINUTE LIMIT PER SPEAKER.

THE FEBRUARY 9, 2021 WORKSHOP MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. THE PUBLIC MAY OBSERVE AND HEAR THE MEETING VIA LIVE STREAM ON YOUTUBE.COM AT [https://www.youtube.com/channel/UCI\\_SOPAtN4vZoPrJRFpPvVvQ?view\\_as=subscriber](https://www.youtube.com/channel/UCI_SOPAtN4vZoPrJRFpPvVvQ?view_as=subscriber)

THE WORKSHOP MAY INCLUDE AN EXECUTIVE SESSION THAT IS NOT OPEN TO THE PUBLIC AND WILL NOT BE STREAMED.

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6:00 P.M.      **WORKSHOP** Teleconference  
7:30 P.M.      **REGULAR MEETING** Teleconference

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **QUORUM ROLL CALL**

### **APPROVAL OF MINUTES**

January 26, 2021- Council Meeting & Workshop Minutes

**PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION**

Appointment Partners for Healthy Youth- Stephanie Noel (Term ending 12/31/23)

**PUBLIC HEARINGS**

**PUBLIC COMMENT ON LEGISLATION**

(5 Minute Limit per Speaker)

**ORDINANCES IN SECOND READING**

1. To extend a moratorium on the placement or operation of shared mobility devices in any public right-of-way or on public property, and offering the same for use anywhere in the city.
2. To rezone Lots 1, 2, and 3 of the Forrer Development Record Plan (2231-2391 Woodman Drive and 2070 Forrer Boulevard; Planning Commission Case No. 20-017).
3. To rezone all of Lot 5 and a portion of Lot 2 of the Villas at Kettering Pointe Section One (2222-2298 S. Smithville Road; Planning Commission Case No. 20-019).
4. To amend subsection 1104.401.4.3 of the City of Kettering Codified Ordinances regarding Flood Damage Prevention.

**RESOLUTIONS**

5. Approving amendments to the bylaws of the Miami Valley Risk Management Association.
6. Authorizing the City Manager to purchase computers as part of the annual PC Replacement Program.
7. Authorizing the City Manager to purchase equipment through sealed bids, negotiated quotes, or a cooperative purchasing program.
8. Authorizing the City Manager to accept a donation or rifle rated armor plating for SWAT vests from Dayton, Armor, LLC.
9. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for insurance and other related benefits and administrative services for employees of the City of Kettering, Kettering Municipal Court, and the Office of the Clerk of the Kettering Municipal Court.
10. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for landscape design services for the Ridgeway Road Bridge landscape renovation project.
11. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2021.

**ORDINANCES IN FIRST READING**

**CERTIFICATIONS AND PETITIONS**

**MANAGER'S REPORT/COMMUNITY UPDATE**

**OTHER BUSINESS NOT ON WRITTEN AGENDA**

Audience Participation (5 Minute Limit per Speaker)

**CITY COUNCIL REPORT/UPDATE**

*The City of Kettering wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.*

**KETTERING CITY CALENDAR**  
**2021**

February 9	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
February 15	All Day	Government Center Closed
February 22	7:00 p.m. 7:00 p.m.	Board of Zoning Appeals Board of Community Relations
February 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO EXTEND A MORATORIUM ON THE PLACEMENT OR OPERATION OF SHARED MOBILITY DEVICES IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, AND OFFERING THE SAME FOR USE ANYWHERE IN THE CITY**

**WHEREAS**, dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations (“shared mobility devices”), have arrived in many cities suddenly and unexpectedly, and have since proliferated rapidly. These shared mobility devices are largely unregulated; and

**WHEREAS**, in cities where shared mobility devices are available, they are frequently abandoned by users in streets, sidewalks, and other public places, creating visual clutter and serious safety concerns, especially for the most vulnerable pedestrians. Moreover, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors— without helmets; and

**WHEREAS**, City Council and City Staff researched and considered the benefits and consequences related to the operation of shared mobility devices in the public right-of-way or on public property and whether such activities should be allowed, limited, or entirely prohibited; and

**WHEREAS**, City Staff recommended to City Council that these activities be allowed with regulations; and

**WHEREAS**, additional time is needed for City Staff to draft the regulations and present them to City Council for consideration;

**WHEREAS**, an extension of the moratorium that is currently in place will allow City Council and Staff time to accomplish the City’s goals stated herein and will help ensure the public peace, health, safety, and welfare.

**NOW, THEREFORE**, Be It Ordained by the Council of the City of Kettering, State of Ohio, at least five members concurring, that:

**Section 1.** City Council extends the previously imposed moratorium on the operation of shared mobility devices in any public right-of-way or on public property, and offering the same for use anywhere in the City. The purpose of this moratorium is to allow City Council and Staff time to draft and adopt regulations for the operation of shared mobility devices in any public right-of-way or on public property, and offering the same for use anywhere in the City limits as set forth in the recital paragraphs above.

**Section 2.** Section 478.05 of the Codified Ordinances is amended to read as follows:

478.05. Sunset Provision. This Chapter shall remain in full force and effect until February 28, 2022, at which time it shall become ineffective and shall be removed from the Codified Ordinances of the City of Kettering, Ohio, unless Council acts to readopt or otherwise continue the provisions herein.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or Codified Ordinance Chapter 478 is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.** As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Law Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE LOTS 1, 2, AND 3 OF THE FORRER  
DEVELOPMENT RECORD PLAN (2231-2391 WOODMAN DRIVE  
AND 2070 FORRER BOULEVARD); PLANNING COMMISSION  
CASE NO. 20-017)**

WHEREAS, on November 30, 2020, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone Lots 1, 2, and 3 of the Forrer Development Record Plan (2231-2391 Woodman Drive and 2070 Forrer Boulevard) as recorded in Plat Book 201, Page 20 of the Montgomery County, Ohio Recorder's Office; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning changes; and

WHEREAS, on January 12, 2021, after publication and issuance of notice as required by the zoning regulations of this City, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions; and

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the staff report(s) and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, Lots 1, 2, and 3 of the Forrer Development Record Plan (2231-2391 Woodman Drive and 2070 Forrer Boulevard) as recorded in Plat Book 201, Page 20 of the Montgomery County, Ohio Recorder's Office and as depicted on the attached Exhibit 1, are rezoned to BP-Business Park District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 5. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development Department)



CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE ALL OF LOT 5 AND A PORTION OF LOT 2 OF THE VILLAS AT KETTERING POINTE SECTION ONE (2222-2298 S. SMITHVILLE ROAD; PLANNING COMMISSION CASE NO. 20-019)**

WHEREAS, on November 30, 2020, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone all of Lot 5 and a portion of Lot 2 of The Villas At Kettering Pointe Section One Record Plan (2222-2298 S. Smithville Road) as recorded in Plat Book 202, page 33 of the Montgomery County, Ohio Recorder's Office.

WHEREAS, the Planning Commission recommended approval of the proposed zoning changes; and

WHEREAS, on January 12, 2021, after publication and issuance of notice as required by the zoning regulations of this City, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions; and

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the staff report(s) and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, all of Lot 5 and a portion of Lot 2 of The Villas At Kettering Pointe Section One Record Plan, as recorded in Plat Book 202, page 33 of the Montgomery County, Ohio Recorder's Office, and as depicted and described on the attached Exhibit 1, are rezoned to B-Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 5. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development Department)



**EXHIBIT**  
**1**

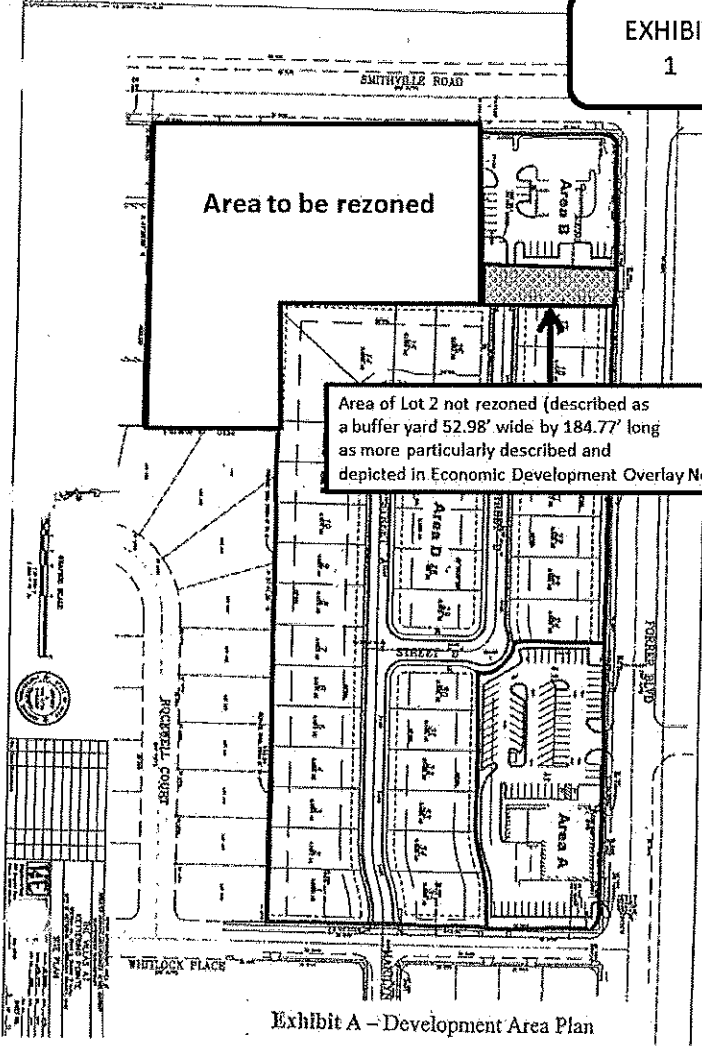


Exhibit A - Development Area Plan

PC 20-019 - Rezoning of 2222-2238 S. Smythville from ED-22 to B  
**ATTACHMENT D**  
**Excerpt of ED-22 (Area Delineations)**  
Planning Commission Meeting - November 30, 2023

**CITY OF KETTERING, OHIO**

**AN ORDINANCE**

**By:**

**No.**

**TO AMEND SUBSECTION 1104.401.4.3 OF THE  
CITY OF KETTERING CODIFIED ORDINANCES  
REGARDING FLOOD DAMAGE PREVENTION**

WHEREAS, on September 23, 1980, this Council adopted the Flood Damage Prevention Ordinance of Chapter 1104 of the Planning and Zoning Code for the preservation of the health, welfare, and safety of the City; and

WHEREAS, the City of Kettering has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; and

WHEREAS, structures that are inadequately elevated, flood-proofed, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, Kettering participates in the Community Rating System of the National Flood Insurance Program administered by the Federal Emergency Management Agency; and

WHEREAS, Kettering property owners benefit from Kettering's participation in the Community Rating System through lower flood insurance premiums and through reduced flood damage; and

WHEREAS, an amendment to Subsection 1104.401.4.3 is necessary to comply with regulations promulgated by the Federal Emergency Management Agency so that Kettering and its property owners can continue to participate in the Community Rating System and National Flood Insurance Program;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio that:

Section 1. Subsection 1104.401.4.3 of the Codified Ordinances is amended to read as follows:

1104.401.4.3 New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities elevated to or above the flood protection elevation.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or Codified Ordinance Chapter 1104 is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. As provided in Section 4-6 of the City Charter, this expedited Ordinance shall be effective two weeks after adoption. The Clerk of this Council shall publish a summary of this ordinance within two weeks after its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

APPROVING AMENDMENTS TO THE BYLAWS OF THE MIAMI  
VALLEY RISK MANAGEMENT ASSOCIATION

WHEREAS, the City of Kettering is one of the founding municipalities of the Miami Valley Risk Management Association ("MVRMA"); and

WHEREAS, MVRMA has proposed amendments to its bylaws; and

WHEREAS, the proposed amendments are in the best interests of MVRMA and the municipalities represented by MVRMA;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The amendments to the bylaws of MVRMA shown in the attached Exhibit 1 are approved. The City Manager is authorized to sign the amended bylaws on behalf of the City of Kettering.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Finance Department)

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The Association shall utilize the funds contributed by the members to defend and protect the members against certain stated liabilities or losses and to otherwise do all things necessary to fulfill the purposes of the Association and exercise its powers on behalf of the members as set forth in this Agreement, the laws of the State of Ohio governing not-for-profit corporations and the Pool and such other powers and duties as may be assigned to it by the members. Included within the powers of the Association is the right to purchase Excess Insurance, Stop Loss Insurance and Reinsurance to supplement to the Pool's funds.

All funds contributed to the Pool are funds directly derived from the members all of which are and will be political subdivisions within the State of Ohio. It is the intent of the parties to this Agreement that, to the fullest extent possible, the scope of risk management undertaken by them through the Pool using governmental funds shall not waive, on behalf of any political subdivision or public officials or employees, any defenses or immunities provided to political subdivisions or their public officials or employees as provided by Ohio law. Specifically, the members of the Association intend to effect no waiver of immunities through their contribution of public funds retained within the Pool and not used to purchase Excess Insurance Stop Loss Insurance or Reinsurance. It is further intended by the members that the Association shall make no profit and that the funds contributed by the members and utilized by the Association to fulfill its purposes and obligations shall not be considered income to the Association.

**ARTICLE II. DEFINITIONS**

**ASSOCIATION** – A not-for-profit corporation known as Miami Valley Risk Management Association, Inc. created pursuant to the Agreement and pursuant to Chapter 1702 of the Ohio Revised Code for the purpose of administering the Pool. This Agreement and Bylaws shall constitute the Bylaws of the Association.

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**BOARD OF TRUSTEES** – Those persons who, from time to time, are duly appointed and serving as the Board of Trustees of the Association and having the powers and duties described in Article V.

**CLAIMS ADMINISTRATOR** – A person or group of persons under the supervision of the Executive Director, who are employed either as employees or independent contractors to administer the claims made against the members and to perform such other duties which may be assigned by the Board of Trustees.

**EXCESS INSURANCE** – Insurance purchased by the Association on behalf of the members and the Pool, ~~which covers losses in excess of a stated amount or specified primary insurance or self-insurance.~~

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**EXECUTIVE DIRECTOR** – A person or group of persons designated by the Association to perform certain duties related to Risk Management and administration of claims made against the members.

**JOINT SELF-INSURANCE** – A self-insurance program in which political subdivisions agree to contribute annual and, when required, supplementary payments to support the Risk Management program, the Pool and administration of the Pool.

**MEMBERS** – The political subdivisions which initially subscribe to or such political subdivisions as later subscribe to the intergovernmental joint self-insurance pool established by this Agreement and which shall also be members of the Association until termination of membership as hereinafter provided.

**POOL** – The legal entity established pursuant to Section 2744.081 of the Ohio Revised Code by the members for the public purpose of enabling the members to obtain insurance or to provide for a formalized, jointly administered self-insurance fund for the members.

**POOL CONTRIBUTION FACTOR** – Each member’s required portion of the costs of and the contributions to the Pool and the Association expressed as a percentage of total costs and contributions. The procedure to be used and the items to be considered in determining a Pool Contribution Factor for each member together with the current Pool Contribution Factor are determined by the Board of Trustees pursuant to Article V(i)(6). The members’ Pool Contribution Factors shall be reviewed and established preliminarily in September each year and revised again and adopted as part of the annual association budget in December each year.

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**REGULAR ANNUAL PAYMENT** – The total annual contribution computed using the relevant Pool Contribution Factor of each member set forth and established in the annual Association Budget for any particular fiscal year for payment of all estimated costs, whether fixed, variable, or otherwise classified, regardless of the amount billed or paid therefore.

**REINSURANCE** – An agreement in which the reinsurer, in consideration of a premium paid to it, agrees to indemnify the Association, in accordance with the terms, conditions and limits of the reinsurance agreement for part or all of the claim liabilities assumed under the coverage documents issued by the Association.

**RISK MANAGEMENT** – The process of assessing exposures to loss and implementing actions that will avoid or minimize the adverse effects of losses.



**SELF-INSURANCE** – The amount of coverage provided by the Association, which falls between the members’ deductible and the limits of any insurance policies obtained by the Association.

**SELF-INSURANCE LOSS FUND** – The fund or funds established by the Association for the payment of claims within the Self-Insurance level.

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**STOP LOSS INSURANCE** – Insurance purchased by the Association on behalf of the members and the Pool from an insurance company providing certain coverage up to a contracted amount for otherwise uninsured losses.

**ARTICLE III. POWERS AND DUTIES OF THE ASSOCIATION**

The powers of the Association to perform and accomplish the purposes set forth herein and in its Articles of Incorporation shall, within the budgetary limits established, the procedures and provisions set forth in this Agreement and the Articles of Incorporation of the Association, be the following:

- 1) To retain independent contractors including, without limitation, attorneys, accountants and insurance service providers or administrators, and to employ agents or employees;
- 2) To lease or purchase real property and to purchase or lease equipment, machinery, or personal property necessary for the carrying out of the purposes of the Association;
- 3) To carry out educational and other programs relating to Risk Management;
- 4) To oversee the collection of funds for, and to administer the Pool;
- 5) To borrow money and to incur indebtedness to accomplish the purposes of the Association, including the power to incur debt to pay claims made against the Pool,

the members or the Association, and to issue and grant such security interests in the assets of the Pool or the Association as are deemed necessary or appropriate by the Board of Trustees to accomplish the foregoing;

- 6) To purchase Excess Insurance, Stop Loss Insurance and Reinsurance on behalf of and for benefit of the Pool;
- 7) To establish reasonable and necessary loss reduction and prevention procedures to be followed by the members;

8) To provide Risk Management services;

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9) To provide defense of and settlement of claims;

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10) Solely within the budgetary limits established by the members, to carry out such other activities as are necessarily implied or required to be carried out under the purposes of the Association specified herein, under Ohio law, or the Articles of Incorporation of the Association and to perform any and all other activities which are not inconsistent with the provisions of Chapter 1702 and Section 2744.081 of the Ohio Revised Code, including without limitations, the exercise of all powers of the Pool and the members authorized now or hereafter by Ohio Revised Code Chapter 2744, or otherwise.

**ARTICLE IV. MEMBERSHIP IN ASSOCIATION; TERM OF MEMBERSHIP:**

- (a) After the initial one (1) year term of the Association, the members may extend the term of the Association for individual extended terms, each of which may not be for less than one (1) year. Adoption by the Board of Trustees of the final budget pursuant to Article VIII(b) shall constitute such extension for the upcoming fiscal year.

(b) So long as the Association shall continue in existence, any new member joining the Association shall remain a member for the remaining period of the then current term. Any member of the Association may withdraw from the Association at the end of any fiscal year of the Association upon giving at least sixty (60) days' prior written notice. Such notice shall be addressed to the President of the Association and shall be accompanied by a resolution or ordinance of the governing body of the member determining to withdraw from the Association. To the extent that there are surplus operating funds in the Association, which are allocable to such withdrawing member, such surplus operating funds shall be distributed to the withdrawing member, after taking into proper account reserves for future liabilities pursuant to this agreement. Pursuant to Article VIII(f), the withdrawing member shall not receive a distribution of surplus funds held for the payment of claims if such distribution was approved by the Board of Trustees subsequent to the member's withdrawal. When any member withdraws from the Association, at a time when the Association shall continue in operation, the withdrawing member shall continue to hold membership on the Board of Trustees, but only for the purpose of voting on matters affecting its limited continuing interest in the Association for such years as it was a member of the Association.

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(c) The Association will commence its operations and its initial one (1) year term at 12:01 a.m. on December 1, 1988. After the date of commencement of operations of the Association, new members may be admitted only in the manner set forth in this Agreement and upon such other terms and conditions as may be determined by the then existing members and the Board of Trustees.

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**ARTICLE V. BOARD OF TRUSTEES OF THE ASSOCIATION**

- a) The Association shall have a Board of Trustees who shall serve in accordance with Ohio not-for-profit corporation laws. Each member shall be entitled to one (1) representative on the Board of Trustees and an alternate representative to serve when the Trustee appointed by that member is unable to carry out his or her duties as Trustee. Unless otherwise designated by resolution or ordinance of the governing body of a member, the Trustee and alternate Trustee shall be the Chief Administrative Officer of the member, whether the Mayor, City Manager or Executive Administrator, and/or the appointees thereof. Once such appointments are made known to the Association, the persons appointed shall remain in office until the Association receives evidence of the appointment of their successors. The Association shall be the judge of the proper appointment of members of the Board of Trustees and alternates and shall utilize in case of dispute general principles of Ohio law. No Trustee or alternate Trustee need to be an elected official of the member.
- b) The Board of Trustees shall annually select a President, who shall preside at all meetings of the Board of Trustees. In the absence of an Executive Director, the President shall be the Chief Executive Officer of the Association unless the Board of Trustees appoints another person to serve as Interim Chief Executive Officer.
- c) The Board of Trustees shall determine the general policy of the Association which policy shall be followed by the Association officers, agents, employees and independent contractors employed by the Association. Among other duties, it shall have the responsibility for:
- 1) Hiring of the Executive Director, agents, and independent contractors;

- 2) Setting of all compensation for all persons, firms and corporations employed by the Association;
- 3) Setting of fidelity bonding requirements for employees or other persons other than those set forth herein;
- 4) Recommending amendments to the Bylaws of the Association;
- 5) ~~Approving the acceptance of new members;~~
- 6) Expelling members;
- 7) Approving and amending the annual budget of the Association;
- 8) Resolving disputes over the scope of pooled self-insurance coverage provided by the Association;
- 9) Approving educational and other programs relating to risk reduction;
- 10) Approving reasonable and necessary loss reduction and prevention procedures to be followed by all members;
- 11) ~~Approving the Pool Contribution formula and procedure and revisions thereto;~~
- 12) Approving the Regular Annual Payment and supplementary payments to the Pool for each member;
- 13) Establishing such rules and regulations regarding the payout of funds from the Pool as shall from time to time seem appropriate, including the determination of persons who may settle claims against the Pool or the members and monetary levels at which such persons may settle claims; and
- 14) Performing such other duties as shall be necessary to carry out the purpose of the Association under these Bylaws, the Articles of Incorporation, this Agreement and

**Deleted:** Recommending a

**Deleted:** al of

Ohio law and such other responsibilities, powers and duties as may be assigned by the members.

15) Unless a term of employment or contract is specifically approved by the Board of Trustees, all employment and contracts shall be at the will and pleasure of the Board of Trustees and subject to termination without cause.

- d) Each Trustee shall be entitled to one (1) vote on the Board of Trustees. Voting shall be conducted by voice vote, except those matters which, under the Bylaws require a 2/3 majority of all the Trustees on the Board to approve for passage. A roll call vote shall be required in these instances where one (1) or more Trustees shall request a roll call vote.
- e) Trustees shall serve on the Board at the pleasure of each member's appointing authority, for as long or short a period as the appointing authority determines. In the event that a vacancy occurs in the Board of Trustees, the member which had appointed the Trustee whose seat became vacant shall designate a successor to fill the vacancy. The failure of a member to designate or appoint a Trustee or the failure of that Trustee to participate shall not affect the responsibilities or duties of a member under this Agreement and Bylaws.
- f) The Board of Trustees shall have the power to establish both standing and ad hoc committees. The President may also establish ad hoc committees which do not conflict with those established by the Board of Trustees. Unless the Board of Trustees shall establish some other procedure, the selection of Trustees who shall serve on such committees and chair them shall reside with the President. The President may appoint nonvoting persons who are not Trustees to serve on committees of the Association. The Board of Trustees may assign to a committee the authority to authorize the expenditure of

funds and to settle claims or suits brought against members within the scope of coverage provided by the Association. The President, Executive Director or Claims Administrator may also be granted such authority. The Board of Trustees may authorize the establishment of an Executive Committee. The Board of Trustees may accord to the Executive Committee the authority to approve expenditures, authorize settlement of claims and suits and take such other action as shall be specifically delegated to it.

g) The Board of Trustees may establish rules governing its own conduct and procedure not inconsistent with these Bylaws.

h) A quorum shall consist of two-thirds (2/3) of the Board of Trustees. Except as provided in Subsections ~~(i)~~ and ~~(j)~~, herein, or elsewhere in these Bylaws, a simple majority of a quorum shall be sufficient to pass upon all matters.

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i) A two-thirds (2/3) vote of all the Trustees on the Board of Trustees shall be required for the following matters:

- 1) Expulsion of a member.
- 2) Establishment and amendment of budgets or scope of loss coverage.
- 3) Changes in the amount of a member's deductible.
- 4) Returns to members of unused loss funds.
- 5) Any establishment of or changes in a member's Regular Annual Payment.
- 6) The establishment or changes to the Pool Contribution Factor formula and procedure.
- 7) Calls for supplementary payments.
- 8) Termination of the Association.
- 9) Admission of new members.

- 10) Such other matters as the Board of Trustees by a two-thirds (2/3) vote may establish within its rules to require a two-thirds (2/3) vote.
- j) An approving Resolution passed by the governing bodies of at least two-thirds (2/3) of the members after recommendation by two-thirds (2/3) of all Trustees on the Board of Trustees shall be required in order to amend the Association's Agreement and Bylaws.
- k) No one serving on the Board of Trustees shall receive any salary or other payment from the Association for serving on the Board of Trustees. Any salary or compensation for serving on the Board of Trustees shall be paid by each member separate and apart from this Agreement. However, a Board of Trustees member may be reimbursed pursuant to the policy of the Board of Trustees as may be amended from time to time for expenses incurred on behalf of the Association.

#### **ARTICLE VI. MEETINGS OF THE BOARD OF TRUSTEES**

Regular meetings of the Board of Trustees shall be held at least quarterly. The dates of regular meetings of the Board shall be established prior to the beginning of each fiscal year. Any item of business may be considered at a regular meeting. Special meetings of the Board of Trustees may be called by the President or by a simple majority of the Trustees. Five (5) days' written notice of regular meetings and three (3) days' written notice of special meetings shall be given to each Trustee. An agenda specifying the subjects to be considered shall accompany such notice. Business conducted at special meetings shall be limited to those items specified in the agenda.

To the extent not contrary to these Bylaws, and except as modified by the Board of Trustees, Roberts Rules of Order, latest edition, shall govern all meetings of the Board of



Trustees. Minutes of all regular and special meetings of the Board of Trustees shall be provided to all members.

#### **ARTICLE VII. OFFICERS OF THE ASSOCIATION**

The Association shall have a President, Vice President, Treasurer and Secretary and such other officers as may be determined necessary to the Board of Trustees. The office of Treasurer and Secretary may be held by the same person. The officers shall be elected annually by the Board of Trustees to hold offices for a term of one (1) year. The Board of Trustees shall fill any vacancies which may occur in such offices for the remainder of the term.

The President of the Board of Trustees shall preside at all meetings of the Board of Trustees. In the absence of an Executive Director, the President or Interim Chief Executive Officer appointed by the Board of Trustees, shall be the Chief Executive Officer of the Association and shall in general supervise and control the day-to-day operations of the Association and shall carry out the policies of the Association as established in these Bylaws and by the Board of Trustees. The President may request information from any officer of the Association or any employee or independent contractor of the Association. The President shall vote on all matters that come before the Board or Committees on which the President serves. The President shall be a nonvoting ex-officio member of all committees of the Association on which the President does not directly serve. The President shall have such other powers as are set forth in these Bylaws and such other powers as he may be given from time to time by action of the Board. Without limitation, the President or, at the direction of the Board, the Executive Director shall:

- 1) Sign, with such other person authorized by the Board of Trustees, any instruments which the Board of Trustees has authorized to be executed and, in general perform

other depositories as shall be selected by the Board of Trustees; invest the funds of the Association as are not immediately required in such securities as the Board of Trustees shall specifically or generally select from time to time; and maintain the financial books and records of the Association; provided, however, that all investments of Association funds shall be made only in those securities which may be purchased by the Association under Ohio or other applicable law and within policies established by the Board of Trustees.

- 2) In general, perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or the Board of Trustees.

The Secretary, or his designee, shall keep the minutes of the meetings of the Board of Trustees; see that all notices of meetings are duly given in accordance with the provisions of these regulations, and as required by applicable law, provided, however, that any persons calling such meetings may, at their options, themselves give such notice; be custodian of the corporate records; and, in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Board of Trustees.

The Association may purchase such fidelity bonds or equivalent insurance policy(ies) as may be determined to be appropriate by the Board of Trustees to assure the fidelity of the President, Vice President, Treasurer, Secretary, and any other officer, committee member, or employee who shall have the right to authorize the transfer or payment of Association funds. Without amendment of these Bylaws, the Board of Trustees, by motion, may increase or decrease the amount of such bonds or change the persons covered thereby.

**ARTICLE VIII. FISCAL YEAR; FINANCIAL MATTERS;**

**RISK MANAGEMENT POOL**

- a) The fiscal year of the Association shall commence on January 1, and end on December 31.
- b) The Board of Trustees shall approve a preliminary budget for the administration of the Association during the upcoming fiscal year by September 30 of each year. The Board of Trustees shall approve a final budget for the administration of the Association during the upcoming fiscal year by December 31 of each year. Copies of all preliminary and final budgets shall be promptly distributed to each Trustee and to any additional persons designated by the members. In adopting a final budget, the Board of Trustees shall also determine the amount of Regular Annual Payments to be made by each member. Failure of the Board of Trustees to approve a preliminary or final budget within the times set forth within this Section shall not relieve the members of the obligations to make Regular Annual Payments or supplementary payments to the Association as long as such budgets are finally adopted and the members are given at least (30) days after the passage of the final budget in which to make payments to the Association.
- c) Annually, the Board of Trustees shall, after reviewing the updated underwriting information or audited information (when required by the Board of Trustees) submitted from each member, establish a Pool Contribution Factor for each member in accordance with the formula and procedure set forth pursuant to Article V(c)(11). Notice of this Pool Contribution Factor shall be sent to each member. If a member wishes to contest the

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determination, it may request a hearing before the Board of Trustees. The decision by the Board of Trustees after such a hearing shall be final unless the Board of Trustees shall be found by a court to have committed a clear abuse of discretion.

d) Budgets, which shall specify the Regular Annual Payment for each member, may be amended at any time by two-thirds (2/3) vote of the Board of Trustees. Calls for supplementary payments may be made by the Board of Trustees by two-thirds (2/3) vote of the Board of Trustees. The Board of Trustees may make calls for supplementary payments from members, including withdrawn or expelled members, for the years of their membership. The payment of such Regular Annual Payments and supplementary payments shall be made within a time specified in notices to the members giving not less than thirty (30) days to make such payments. Supplementary payments shall ~~be required~~ by the Board of Trustees only in a situation in which there is a reasonable concern that the amounts remaining from the Regular Annual Payments will not be sufficient to meet the responsibilities of the Association. Members shall be responsible for supplementary payments during the entire life of the Association and any later period when claims or expense need to be paid which are attributable to any year of membership during which the event out of which the expense or claim occurred.

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e) The Board of Trustees may permit the Regular Annual Payments or supplementary payments to be made on a periodic basis as determined by the Board of Trustees. The amount of such Regular Annual Payments and any supplementary payments required shall be based upon the Pool Contribution Factor established annually. The funds derived through application of the Pool Contribution Factor shall be sufficient to annually produce a sum of money within the Pool adequate in amount to fund the purchase of Excess

Insurance, Stop Loss Insurance and/or Reinsurance, the administrative expenses of the Association and to create adequate reserves for the scope of Risk Management set forth herein and as may be determined by the members.

f) If for any year during which the Association was in existence, all claims known or unknown have either been paid or provision has been made for such payment, the Board of Trustees as then constituted may, at its sole discretion, distribute part or all of any surplus funds held for the payment of claims attributable to that year. Such distribution shall be made to the members which constituted the membership of the Pool in that prior year, provided, however, that such members must also be members of the Pool in the year in which such distribution is made, after first deducting therefrom reasonable administrative and other non-allocated costs incurred by the Association in the processing of the claims in years other than the one in which the claim was made. The distribution among the members shall be in the same proportion to the total as was their Regular Annual Payment, for the respective year, to the Regular Annual Payments of all members for that year. Such surplus funds shall be distributed in accordance with a policy approved by the Board.

g) The Association shall provide to the members an annual audit of the financial affairs of the Association in accordance with generally accepted auditing standards. The audit shall be conducted by a certified public accounting firm. The annual audit report shall be delivered to such person or persons as may be designated by each member.

h) As required by law or as otherwise determined necessary by its Board of Trustees, the Association shall, on an annual basis, employ a person or company who, as an independent contract, shall prepare an actuarial audit of the affairs of the Association. Such actuarial audit shall be authorized within a reasonable period of time after the end of

**Deleted:** The Association shall be provided with a report, at least semiannually, from all agents and independent contractors, including attorneys, with regard to the status of their work for the Association, problems encountered during the performance of their duties and recommendations for improvements in the performance of the Association, including their efforts on the Association's behalf. ...

each fiscal year. The entity chosen to carry out the actuarial audit shall be one which specializes in the performance of an audit of this nature. The audit may be a part of the financial audit of the Association. ~~The Board of Trustees may, from time to time, direct the preparation of a report on the adequacy of the pooled funds maintained by the Association in relationship to claims made and those actuarially expected to be made in the future.~~

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**ARTICLE IX. SCOPE OF LOSS PROTECTION**

The Association shall provide loss protection ~~by providing adequate funding to the Self-Insurance Loss Fund, and purchasing Excess Insurance, Stop Gap Loss Insurance and Reinsurance for the benefit of its members.~~ The intent of this Agreement and Bylaws shall be that except to the extent to which the scope of coverage provided by the Association is specifically expanded by action of the Board of Trustees and its members, the members herein do not intend to utilize the Self-Insurance Loss Fund of the Association to cover matters for which Excess Insurance, Reinsurance or Stop Loss Insurance coverage is contemporaneously provided.

**Deleted:** ~~<#>~~The Board of Trustees, utilizing someone other than the Treasurer to carry out this function, shall cause on an annual basis an analysis to be made of the extent to which the pooled funds of the Association are invested in a manner so as to reasonably assure their security and availability for the payment of claims and other expenses. An analysis shall also be undertaken of the extent to which the investment of such funds has produced interest revenues which provide a reasonable return based upon the investments made. In analyzing this matter, national indices or other similar standards shall be utilized. Unless these analyses are specifically directed by the Board of Trustees to be conducted in another manner, they shall be carried out in the manner chose by the President. ...

**Deleted:** to the extent that protection would be accorded

**Deleted:** within the terms of the Excess Insurance and Stop Loss Insurance policies and any Reinsurance obtained from time to time by the Association

By entering into this Agreement and Bylaws, each member agrees to be bound by a decision by a majority vote of the Board of Trustees of the Association that a particular matter presented to the Association for defense and indemnification is or is not within the scope of coverage provided by the Association. Any member may request that the Board of Trustees take official action to affirm or reverse a decision by the President, Executive Director or other officer, employee or independent contractor of the Association that a particular matter is or is not within the scope of coverage provided herein. The member requesting such a consideration by the Board of Trustees shall have a full opportunity to explain the position

being urged by the member. The decision of the Board of Trustees of the Association shall be final in the absence of a clear abuse of its discretion, but the Association may institute legal proceedings to further resolve the issue by final judicial determination.

The Executive Director, after having reviewed a claim forwarded to the Association for coverage, shall be permitted to decline to provide coverage for such claim if, in his opinion, the claim is not within the scope of coverage afforded herein. The Executive Director may also agree to accept the claim and provide a defense but may reserve the right of the Association to withdraw from the defense or to refuse to provide indemnification against the claim in the event that it is later determined that the claim is not properly within the scope of protection accorded by the Association.

#### ARTICLE X. INSURANCE

The Association may purchase Excess Insurance and Reinsurance. Unless otherwise directed by the Board, said purchase shall be from a company approved or authorized by the Department of Insurance to write such coverage in Ohio.

In addition to the Excess Insurance coverage and/or Reinsurance, the Association may obtain Stop Loss Insurance such that in the event that the Association should in any single year expend a maximum aggregate sum set from time to time by the Board of Trustees for the payment of claims, the stop loss protection would pay additional claims above that amount to a certain maximum annual amount. In lieu of purchasing Stop Loss Insurance, the Board of Trustees may elect to self insure this coverage by establishing a separate fund from member contributions, as determined by Board policy.

The sequence of the obligations of the members, the Association and the insurer for a claim resulting in liability within the scope of the Self-Insurance, Excess Insurance, Reinsurance and Stop Loss Insurance to be provided is as follows:

~~The member's deductible established by the Board of Trustees pursuant to Article V(i)(3) shall first be paid for any valid claim.~~ The next payment will come from the

**Deleted:** first \$2,500 of any valid claim shall be paid by the member

**Deleted:** (This is sometimes known as "deductible".)

Association in accordance with the scope of loss protection set forth in Article IX. In the event the Association shall have determined in a particular year to create a Self-Insurance Loss Fund from Regular Annual Payments which shall produce a sum less than the amount at which the Excess Insurance, Reinsurance and Stop Loss Insurance shall commence coverage, and if additional funds are required, the Association may call for supplementary payments attributable to that year. The next level of responsibility shall be assumed by the excess insurer and/or reinsurer. In the event that a single loss should exceed the amount of coverage provided by the Self-Insurance Loss Fund, and the Excess Insurance and/or Reinsurance, then the payment of such uncovered valid loss shall be the obligation of the individual member or members against which the claim was made. This sequence of obligations shall apply to all claims within the scope of coverage of the Pool and the Association from its inception on December 1, 1988, and shall apply to all members for those claim years during which they were members. The Association shall make payments from the Self-Insurance Loss Fund, Excess Insurance, Reinsurance and Stop Loss Insurance proceeds in the order in which the judgments against a member or the Association have been entered or settlements of claims have been reached.



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE  
COMPUTERS AS PART OF THE ANNUAL PC  
REPLACEMENT PROGRAM**

WHEREAS, a centralized replacement program is a sustainable method for ensuring that City employees are able to perform their jobs using modern, reliable technology and maximizes the opportunity for bulk purchase discounting;

NOW THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio:

Section 1. Pursuant to Subsection "I" of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is hereby authorized to contract with Dell for the purchase of computers as part of the annual PC Replacement Program which will replace approximately twenty percent of the City's existing computer fleet across all departments. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$109,500.00  
Amount Budgeted: \$109,500.00  
Acct. No: 4400-72220 - \$79,500.00  
4400-72350 - \$30,000.00

(Requested by: Administrative Systems)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE  
EQUIPMENT THROUGH SEALED BIDS, NEGOTIATED  
QUOTES, OR A COOPERATIVE PURCHASING PROGRAM**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to use sealed bids, competitive bargaining and negotiated quotes, or an approved cooperative purchasing program, to purchase the vehicles and equipment needed for City use listed below with the estimated cost. For each purchase, the City Manager may use whichever method the City Manager deems appropriate.

Planning & Development	(1) Van	\$35,000
Police	(2) Marked vehicles	\$80,000
Streets	(1) Sweeper	\$320,000
Streets	(1) 1 Ton Pick-up	\$60,000
Facilities	(1) ¾ Ton Pick-up	\$55,000
Vehicle Maintenance	(3) Sedans	\$67,500

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III  
Law Director

Estimated Cost: \$617,500.00  
Amount Budgeted: \$617,500.00  
Acct. No.: Various - 77740

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A  
DONATION OF RIFLE RATED ARMOR PLATING FOR SWAT  
VESTS FROM DAYTON ARMOR, LLC**

WHEREAS, a donation of 54 rifle rated armor plates for SWAT vests (the "equipment") has been offered to the Kettering Police Department Regional SWAT team ("SWAT team") from Dayton Armor, LLC; and

WHEREAS, the equipment will be used with the SWAT team's current vests for testing and evaluation;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to accept, on behalf of the Kettering Police Department, a donation of armor plates as described in the recital paragraphs. Said donation is valued at \$33,750.00.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$33,750.00  
Amount Budgeted: \$0  
Acct. No.: 0600-72220

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR INSURANCE AND OTHER RELATED BENEFITS AND ADMINISTRATIVE SERVICES FOR EMPLOYEES OF THE CITY OF KETTERING, KETTERING MUNICIPAL COURT, AND THE OFFICE OF THE CLERK OF THE KETTERING MUNICIPAL COURT**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures to contract for benefits for employees of the City of Kettering, Kettering Municipal Court, and the Office of the Clerk of the Kettering Municipal Court including, but not limited to, life, medical, pharmacy, and dental insurance, and other ancillary and voluntary benefits including, but not limited to, vision and short and long term disability insurance, and administrative services including, but not limited to, plan administration, wellness program administration and services, actuarial services, Patient Protection & Affordable Care Act (PPACA) services, general consulting services, COBRA, HSA, HRA, and FSA administration, and stop loss insurance. Such contracts may include agreements with one or more brokers or consultants setting the level of commissions or fees for professional services in acquiring and administering these benefit programs. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III  
Law Director

(Requested by: Human Resources Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR LANDSCAPE DESIGN SERVICES FOR THE RIDGEWAY  
ROAD BRIDGE LANDSCAPE RENOVATION PROJECT**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for landscape design services for the Ridgeway Road Bridge landscape renovation project. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$40,000.00  
Amount Budgeted: \$40,000.00  
Acct. No.: 5262-77750

(Requested by: Parks, Recreation and Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF  
THE CITY OF KETTERING, STATE OF OHIO, DURING  
THE FISCAL YEAR ENDING DECEMBER 31, 2021**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2021, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

POLICE DEPARTMENT	
Operating expenses	\$33,750.00

Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

Section 4. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$33,750.00  
Amount Budgeted: \$0  
Acct. No. 0600-72220

(Requested by: Finance Department)