

BOARD OF TRUSTEES
KARL B. SCHULTZ
KENDAL A. TRACY
MARY MAKLEY WOLFF

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
JEFFREY A. WRIGHT



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ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE/EMS
248-3700
PARKS / RECREATION
248-3727

RESOLUTION 2017-44

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on September 26, 2017 with the following members present: Ken Tracy, Mary Makley Wolff and Karl Schultz,.

MS. WOLFF made a motion to adopt the following Resolution:

RESOLUTION APPROVING COMPENSATION TO SALARIED EMPLOYEES WHO RESPOND TO EMERGENCY OPERATIONS PURSUANT TO OHIO REVISED CODE SECTION 5502.35 AND DISPENSING WITH THE SECOND READING.

WHEREAS, Ohio Revised Code Section 5502.35 provides that members of emergency management agencies engaged in emergency management activities in the State of Ohio, may exercise the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties in the jurisdiction which normally employs them while assisting other states or jurisdictions who request such help dealing with declared state or federal emergencies; and

WHEREAS, Miami Township Fire Chief Steve Kelly is a member of the Butler County, State of Ohio Incident Management Team and was recently called upon by the State of Florida to assist with emergency recovery operations there related to Hurricane Irma; and

WHEREAS, the Board of Trustees of Miami Township, Clermont County, Ohio ("Board of Trustees") desire to adopt a policy regarding compensation to be paid to salaried employees including salary and overtime for which the Township shall be repaid by the appropriate State or Federal Emergency Management Agency who benefited from the emergency services provided by Township employees; and

WHEREAS, Any such overtime compensation for which Township employees are paid under the terms of this Resolution shall not be pensionable and they shall only be paid such amounts that are to be repaid to the Township by the appropriate State or Federal Emergency Management Agency; and

WHEREAS, if the Township is not compensated by the appropriate State or Federal Emergency Management Agency for the work performed under this Resolution by the Township employee within a one year period, the Township employee must repay such amounts to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

- SECTION 1: That the members of the Board of Trustees hereby adopts a policy for the compensation of its salaried employees which includes salary and overtime for which the Township shall be repaid by the appropriate State or Federal Emergency Management Agency who benefited from the emergency management services provided by Township employees when assisting with a declared state of federal emergency under Ohio Revised Code 5502.35; and
- SECTION 2: Any leave in order to participate in emergency management activities under Ohio Revised Code 5502.35 must be approved by the Township Administrator in advance of such leave in order to be compensated under this Resolution.
- SECTION 3: The overtime compensation (pay for work beyond 8 hours per day) to be paid to Township employees under this Resolution shall be computed by dividing the Township employee's annual salary by the sum of 2080 hours and multiplying that amount by 1.5 times to determine the appropriate hourly rate to be paid.
- SECTION 4: The Township Administrator is hereby authorized to make such non-pensionable payments to Township employees as calculated under the terms of the Resolution and to file any and all appropriate documentation on behalf of the Township for the repayment of such amounts by the appropriate State or Federal Emergency Management Agency who benefited from the emergency management services provided by the Township employees.
- SECTION 5: If the Township is not compensated by the appropriate State or Federal Emergency Management Agency for the work performed and payments made to Township employees under this Resolution within a one year period, the Township employee must repay such amounts to the Township.
- SECTION 6: That the Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.
- SECTION 7: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.
- SECTION 8: This Resolution shall take effect at the earliest period allowed by law.

MR. SCHULTZ seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mr. Tracy	<u>AYE</u>
Ms. Wolff	<u>AYE</u>
Mr. Schultz	<u>AYE</u>

Resolution 2017-44 adopted September 26, 2017

ATTEST:

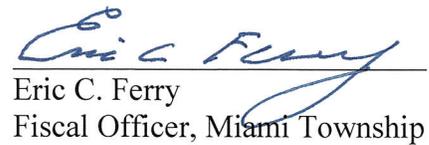

Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION OF FUNDS

I hereby certify that at the time of making of this Resolution and the execution of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.


Eric C. Ferry
Fiscal Officer, Miami Township