

TO: Mayor Stefan C. Densmore  
Members of Village Council

FROM: Terrence M. Donnellon

RE: Legislative Agenda – November 22

DATE: November 18, 2021

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The following legislation is on the Agenda for the November 22nd meeting of Village Council:

**1. Ordinance No. 2021 – 11**

***An Ordinance Amending Sections of Ordinance No. 2019-10, An Ordinance to Combat Discrimination and For the Guarantee of Equality and Inclusion***

This legislation is being presented for the third reading. The legislation was tabled from the November 8 meeting to receive additional information covered in a separate Memo. With the third reading occurring November 22, the Amended Ordinance will take effect in late December allowing us to move forward properly with the Human Rights Commission in January as planned.

**2. Ordinance No. 2021 – 16**

**An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The Village Of Golf Manor For The Fiscal Year Ending December 31, 2021**

This is the final adjustment for appropriations for calendar year 2021 to balance our funds as we move into the new year.

**3. Ordinance No. 2021 – 17**

**An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The Village Of Golf Manor During The Fiscal Year Ending December 31, 2022**

This Ordinance will establish the budget (appropriations) for fiscal year 2022. The budget previously was submitted to the Budget Commission, which has reviewed and approved the budget, and this is the last formal act to authorize expenditures during calendar year 2022. As in past years, this is the appropriation Ordinance that may be amended from time to time to meet actual expenditures and to match up with revenues received.

4. **Ordinance No. 2021 – 18**

**An Ordinance Amending Section 131.08 Of The Code Of Ordinances Entitled  
*Overtime/Compensatory Time***

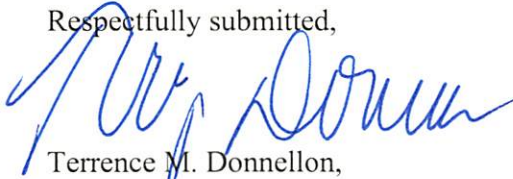
This Ordinance is intended to match our Policies and Practices for overtime compensation with the various employee benefits outlined in Chapter 131 of the Code of Ordinances. The changes which are being made are to eliminate compensatory time, clarify that overtime, consistent with the Federal Labor Standards Act, is only eligible for payment at time and one-half for actual hours worked. The Ordinance also recognizes Juneteenth as a paid Holiday, and clarifies that only full-time employees are entitled to Holiday pay. Finally, the Ordinance codifies our special detail/assignment payroll to be sure we have a good audit trail and appropriate review and approval. Council is asked to waive the second and third readings of this Ordinance so that these changes may be in effect January 1, 2022.

5. **Resolution No. 2021 – 37**

**A Resolution Authorizing The Village Administrator To Accept The Opioid Settlement  
And Enter Into The Participation Agreement With Opioid Manufacturers Johnson &  
Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc.  
And Janssen Pharmaceutica, Inc.**

Similar to a previous Resolution supporting the settlement of various claims against Opioid Distributors, this Resolution has been requested by the Ohio Attorney General to endorse the Village's support for a settlement with the Opioid Manufacturers, principally Johnson & Johnson. This settlement is within the framework of the OneOhio negotiations and monies paid will be funded through the OneOhio guidelines which principally focus upon education, treatment and abatement through the separate Foundation established by the State of Ohio. We are requested to endorse the Participation Agreement, which includes a Release, and to submit those documents by January 2. As before, their settlement is contingent upon receiving significant participation, so it is important for the benefit of the Village and other communities within the State of Ohio that we endorse our support.

Respectfully submitted,



Terrence M. Donnellon,  
Village Solicitor

TMD/ldd

Enclosures

cc: Ron Hirth, Village Administrator  
Andy Lanser, Asst. Village Administrator

**ORDINANCE NO. 2021 - 11**

**AN ORDINANCE AMENDING SECTIONS OF ORDINANCE NO. 2019-10,  
AN ORDINANCE TO COMBAT DISCRIMINATION AND FOR THE  
GUARANTEE OF EQUALITY AND INCLUSION**

**WHEREAS**, in January 2020, Council did take the final steps to enact Ordinance No. 2019-10 entitled, *An Ordinance to Combat Discrimination and for the Guarantee of Equality and Inclusion*; and

**WHEREAS**, subsequent to the enactment of the Ordinance, a Referendum Petition was filed with the Village, which Referendum was placed upon the November 2020 General Election ballot, which Referendum did reaffirm Ordinance No. 2019-10; and

**WHEREAS**, in moving forward to implement the Ordinance, the Administration has recommended, and Council concurs, that certain sections of Ordinance No. 2019-10 should be modified to better assure fair and equitable enforcement of the principles outlined within the Ordinance.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** Section I (B), *DEFINITIONS*, subsection (7) shall be amended to read as follows:

*(7) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments which offers goods, services, accommodations and entertainment to the public within the Village.*

**SECTION II.** Section IV (B), *EXEMPTION*, shall be amended to read as follows:

*(B) Exemption. Except when offering goods, services, accommodations or entertainment for Commercial Purposes or except when such offering is supported by Village resources, it shall not be an act of discrimination and/or a violation of this Ordinance for any religious or denominational institution, organization, society or association, or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, including places of worship, educational facilities or their contiguous facilities, and accommodations to persons of the same religion, or from giving preference to such persons.*



**SECTION III.** Section III (B), *GENERAL EXCEPTIONS*, subsection (1) shall be amended to read as follows:

*(1) A religious or denominational corporation, institution, association, organization, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on of that religious or denominational corporation, institution, association, organization, educational institution, or society of its activities. (This exception recognizes the ministerial exception as reaffirmed by the U.S. Supreme Court in Our Lady of Guadalupe School v. Morrissey-Berru to protect religious institutions' First Amendment rights.)*

**SECTION IV.** Section III (B)(7) shall be deleted.

**SECTION V.** Section VIII (E)(2), *COMMISSION REMEDIES*, subsection (a) shall be amended to read as follows:

*(a) The Commission may order a civil fine of up to \$500 for each violation. Each day on which a continuing violation occurs shall constitute a new and separate violation of this chapter. Provided, however, the maximum collected fine for a continuing violation shall be \$2,500. Fines collected pursuant to this section will be used to establish a fund to educate the community about nondiscrimination practices and to promote nondiscrimination in the Village. The Village Solicitor is authorized to pursue enforcement and collection of such fines in a separate civil action. In addition to recovery of such fines in any subsequent court proceeding, the Respondent/Defendant shall be liable for all costs of collection including reasonable Attorney fees.*

**SECTION VI.** This Ordinance shall take effect the earliest opportunity as permitted by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Stefan C. Densmore

ATTEST:

\_\_\_\_\_  
Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Solicitor

**ORDINANCE NO. 2021 - 16**

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES  
AND OTHER EXPENDITURES OF THE VILLAGE OF GOLF MANOR  
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021**

**WHEREAS**, Council previously did adopt Ordinance 2020-12 to appropriate funds for the fiscal year commencing January 1, 2021 and ending December 31, 2021; and

**WHEREAS**, Council previously enacted Ordinance 2021-1; Ordinance 2021-3, Ordinance 2021-4, Ordinance 2021-7, Ordinance 2021-8, Ordinance 2021-9; Ordinance 2021-10, Ordinance 2021-12, Ordinance 2021-14, and Ordinance 2021-15 to balance such appropriations; and

**WHEREAS**, the Administration has recommended, and Council does desire, to amend such 2021 appropriations to add unexpected costs for capital and operating appropriations.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** Effective immediately, in order to provide for the ongoing expenses and other expenditures of the Village of Golf Manor for fiscal Year 2021, the sums detailed on the attached schedule are hereby appropriated as if such schedule is fully set forth herein.

**SECTION II.** This Ordinance shall take effect the earliest opportunity as allowable by law.

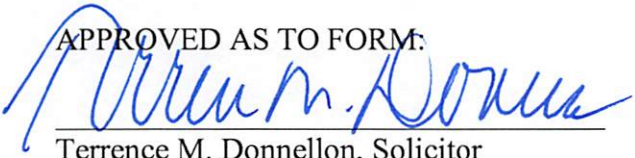
PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Stefan C. Densmore

ATTEST:

\_\_\_\_\_  
Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Solicitor

**ORDINANCE NO. 2021 - 17**

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES  
AND OTHER EXPENDITURES OF THE VILLAGE OF GOLF MANOR  
DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022**

**WHEREAS**, Council previously did approve and submit to the Budget Commission a budget for revenues and expenses for the fiscal year commencing January 1, 2022 and ending December 31, 2022; and

**WHEREAS**, the proposed budget has been accepted and approved, and Council does desire to appropriate funds according to the budget to meet current expenses and other expenditures for the 2022 fiscal year.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** Commencing January 1, 2022 and for the fiscal year ending December 31, 2022, in order to provide for the current expenses and other expenditures of the Village, the sums detailed on the attached schedule are hereby appropriated as if such schedule is fully set forth herein.

**SECTION II.** This Ordinance shall take effect the earliest opportunity as allowable by law.

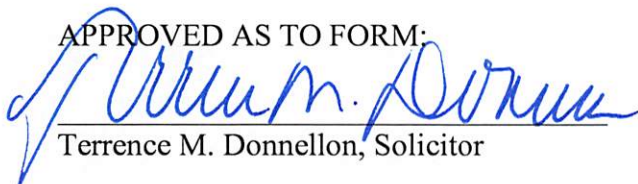
PASSED this \_\_\_\_\_ day of November, 2021.

\_\_\_\_\_  
Mayor Stefan C. Densmore

ATTEST:

\_\_\_\_\_  
Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Solicitor

**ORDINANCE NO. 2021 - 18**

**AN ORDINANCE AMENDING SECTION 131.08 OF THE CODE OF ORDINANCES  
ENTITLED *OVERTIME/COMPENSATORY TIME***

**WHEREAS**, managing Overtime and Compensatory Time can be very difficult with a small staff and can cause pressure on the budget; and

**WHEREAS**, to conform the policies and practices of the Village to the Code of Ordinances, specifically Section 131.08 of the Code, it is important to update the rules concerning Overtime and Compensatory Time to meet the Village current needs and to protect Village resources in the future.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** Section 131.07 of the Code of Ordinances shall be amended to add the following holiday: Juneteenth. Additionally, Section 131.07(a) shall be amended to read:

*The following are paid Holidays observed by the Village for which full-time Village employees shall be paid eight (8) hours of their regular rate of pay.*

**SECTION II.** Section 131.07(b) shall be amended to read as follows:

Additional Holidays may be granted from time to time as designated by the President of the United States or the Governor of the State of Ohio.

**SECTION III.** The following amendments shall be made to Section 131.08, which shall now be titled *Overtime Compensation*.

(A) Subsection (a)(5) shall be amended to eliminate Part-time employees as exempt employees, recognizing that compensation for overtime hours worked, with limited exceptions, is based upon hours worked and not necessarily the employee's work status. Eliminating subsection (a)(5), however, shall not change the exempt status of other positions of employment within the Village.

(B) Subsection 131.08(b) shall be amended to read as follows:

All Village employees, except Police Department personnel, are eligible for overtime benefits when the time worked by such employee is in excess of Forty (40) hours per week ("Base Work Hours"- non-uniform employees). Overtime Compensation for the Police Department personnel, including part-time personnel, shall be paid for all hours worked in excess of Eighty-Four (84) hours per Fourteen (14) day work

period coinciding with the same work period as the pay period for all Village employees ("Base Work Hours"-uniform employees). Employees shall be paid time and one-half for the **actual hours worked** in excess of their Base Work Hours as noted above.

- (C) Subsection 131.08(d)(5) shall be amended to read as follows:

Overtime hours shall be paid based upon **actual hours worked**. Any paid time off such as Holiday time, personal time, vacation time and sick time credited during the measurable period shall not be credited as **actual hours worked** in determining hours eligible for overtime compensation in excess of the Base Work Hours.

- (D) The Police Chief, with prior approval of the Village Administrator, may from time to time authorize premium compensation only when such premium compensation is paid by a third party to the Village for use of Police Department employees even if the hours worked during such assignment did not exceed the Eighty-Four (84) hours during the measurable pay period. Such premium compensation shall be considered as Assignment Compensation whether or not such assigned hours are in excess of the employee's Base Work Hours.

- (E) From time to time, special detail pay rates will be set by the Police Chief, with the approval of the Fiscal Officer and Village Administrator. These rates shall be determined through documented agreements with other agencies or contracted services that are reimbursed to the Village for services performed by Police personnel. Considerations for these rates must include any pensionable or other expense which may be incurred by the Village as a result of this additional non-Village pay.

**SECTION IV.** Section 131.08(E) shall be deleted in its entirety. Employees who work time in excess of their Base Work Hours as noted herein shall be paid Overtime Compensation and shall not be entitled to bank such time worked as Compensatory Time. This change shall occur effective January 1, 2022. At such time, the current Compensatory Time leave bank for each employee shall be frozen and the employee shall be paid their accumulated Compensatory Time leave bank in equal installments March 31, June 30 and September 30 during calendar year 2022.

**SECTION V.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor Stefan C. Densmore



ATTEST:

\_\_\_\_\_  
Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

  
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Terrence M. Donnellon, Solicitor

**RESOLUTION NO. 2021 - 37**

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO  
ACCEPT THE OPIOID SETTLEMENT AND ENTER INTO THE PARTICIPATION  
AGREEMENT WITH OPIOID MANUFACTURERS JOHNSON & JOHNSON,  
JANSSEN PHARMACEUTICALS, INC., ORTHO-McNEIL-JANSSEN  
PHARMACEUTICALS, INC. AND JANSSEN PHARMACEUTICA, INC.**

**WHEREAS**, opioid manufacturers, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“the Manufacturers”), have proposed a joint settlement (“the Settlement”) to the State of Ohio and its political subdivisions pertaining to the Manufacturers’ shared liability for the distribution of opioids that was a significant cause of the national opioid crisis that lead to mass addiction and overdose deaths that affected both the State of Ohio and the Village of Golf Manor; and

**WHEREAS**, under the Settlement, the Manufacturers will pay up to an estimated \$180,000,000 to the State of Ohio and its political subdivisions over several years, with most of the money received being restricted in use and earmarked for abatement of the opioid epidemic; and

**WHEREAS**, the Ohio Attorney General has recommended the political subdivisions of the State of Ohio accept the Settlement; and

**WHEREAS**, the Solicitor and the Village Administrator recommend that Council vote to accept the Settlement and enter into the Participation Agreement (“the Agreement”) with the Manufacturers as described and incorporated by reference herein.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION 1.** Council hereby accepts the recommendation of the Village Administrator and the Solicitor and authorizes approval of the Settlement and execution of a proposed Participation Agreement and Release on behalf of the Village on or before the Settlement deadline currently set for January 2, 2022.

**SECTION 2.** The Golf Manor Council hereby directs the Village Administrator to enter into the Participation Agreement on behalf of the Village on or before any Settlement deadline.

**SECTION 3.** The Village Administrator is hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of the Settlement and Agreement.

**SECTION 4.** This Resolution shall be in full force and effect immediately upon adoption.


PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor Stefan C. Densmore

ATTEST:

\_\_\_\_\_  
Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

  
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Terrence M. Donnellon, Solicitor