

# *Cities & Villages*

First Quarter 2023  
Ohio Municipal League



# 2023

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# Cities & Villages

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**ON THE COVER:** Bellefontaine (population 14,076) is the county seat of Logan County. Located in the historic downtown, the Second Empire Courthouse was constructed in 1870 at a cost of \$105,398.08. Constructed primarily of locally mined sandstone, the building's distinctive clock-tower was heavily damaged in a severe storm in 2012 and removed for safety reasons. Simultaneously, it was discovered the roof of the courthouse was also damaged and failing. The building's offices and courtrooms were evacuated and relocated throughout the downtown. Over a six-year period, the courthouse was restored at a cost of \$12,500,000. The courthouse is listed on the National Register of Historic Places. For more on the City of Bellefontaine, see the member spotlight on pages 18-19.

## Ohio Municipal League

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## About Us:

*The Ohio Municipal League was incorporated as an Ohio non-profit corporation in 1952 by city and village officials who saw the need for a statewide association to serve the interests of Ohio Municipal Government.*

*Statements of fact and opinion are made on the responsibility of the authors alone and do not imply an opinion on the part of the officers, staff, or membership of the OML. The OML does not endorse or recommend any product or service mentioned in advertisements in the C & V, unless otherwise stated.*



From the Executive Director

Kent Scarrett  
*The Ohio Municipal League*



# New Legislature & Budget Season Means More Engagement from OML

The start of the 135th Ohio General Assembly this year certainly came with some surprises. Gov. Mike DeWine and Senate President Matt Huffman are continuing in the roles they already held, but the battle for the speaker of the House – along with debates over House rules, House Republican priorities, and House committee leadership – got this session off to a slow start and provided some interesting twists and turns.

Now the state budget season is in full swing, both chambers of the Legislature have introduced bills on a variety of topics, and OML is meeting with as many lawmakers as possible. Our meetings offer the opportunity to discuss the challenges being faced by Ohio's cities and villages, as well as to highlight OML's legislative priorities.

Our 2023-2024 Public Policy Agenda highlights the core areas of focus that are essential to the ability of municipalities to carry out your work and provide critical services for your residents and businesses. You can review this agenda on pages 6-9 of this magazine. We hope it serves as a great resource when you discuss your community's priorities with the legislators who represent you.

OML is taking action to strengthen our advocacy efforts on our members' behalf. One of the ways we are doing this is by engaging with The Montrose Group, a Capitol Square consulting firm focused on lobbying and local economic development strategies, to expand our advocacy footprint and enhance our strategies for protecting municipalities. This will provide more predictability and allow us to engage in more opportunities to impact policy.

We're also creating a Legislative Action Committee to have added influence on the legislative process and to provide our members with the opportunity to offer their perspectives on important issues under consideration by lawmakers.

These actions are necessary for a number of reasons. Legislators are working to make reforms to existing tax structures in Ohio, and some have their eye on the municipal income tax. This could lead to further changes in how municipal income taxes are administered, putting the sustainability of this critical funding source in jeopardy. There are also interest groups continuing their efforts to erode local regulations and compromise the ability of municipalities to operate in a manner consistent with the home-rule authority granted through Article XVIII of the Ohio Constitution.

Near the end of last year, we welcomed the governor's veto of House Bill 513, which passed during the lame-duck session and would have preempted municipalities from banning the sale of flavored tobacco products to youth within their jurisdictions. The state legislation was a reaction to the City of Columbus first instituting a ban late last year.

It's often said that states act as "laboratories of democracy" from which the federal government can see what works and what doesn't. Likewise, Ohio's municipalities are often referred to as "centers of innovation," and they are filled with passionate leaders who often implement creative solutions to the problems their communities are facing. The state would do well to pay more attention to the innovative solutions unfolding at the local level, many of which could lead to better state policy.

Throughout the 135th Ohio General Assembly session, OML will be working hard to strengthen the partnership between the state government and Ohio's municipalities. Through your engagement with us, we will be all the more successful in our efforts!

# UPCOMING **2023** EVENTS

**Ohio Municipal Attorneys Association**  
**Virtual Spring Law Seminar**  
*April 14, 2023*

**Municipal Engineers Association of Ohio**  
**Annual Spring Meeting**  
*April 20, 2023*  
Delaware Community Center YMCA

**Municipal Finance Officers Association of Ohio**  
**Annual Conference**  
*May 10-12, 2023*  
Marriott Columbus Northwest

**Ohio Association of Public Safety Directors**  
**Annual Spring Meeting**  
*May 11, 2023*  
Salt Fork Park Lodge & Conference Center

**Mayors Association of Ohio**  
**Annual Conference**  
*June 21-22, 2023*  
Marriott Columbus Northwest

**Ohio Municipal League**  
**Municipal Income Tax Seminar**  
*July 11-13, 2023*

Embassy Suites by Hilton Columbus Dublin

**Ohio Municipal Clerks Association**  
**Annual Institute**  
*July 17-21, 2023*

Nationwide Hotel and Conference Center

**Ohio Municipal Attorneys Association**  
**Summer Law Institute**  
*July 19-21, 2023*

OU Dublin Integrated Education Center

**Ohio Municipal League**  
**Annual Conference**  
*October 18-20, 2023*

Renaissance Columbus Downtown Hotel

*For more information about these events, please visit [www.omloho.org](http://www.omloho.org).*

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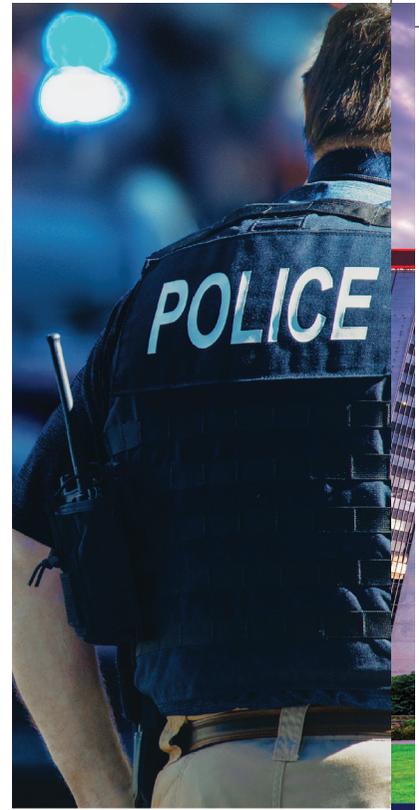
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## OML PUBLIC POLICY AGENDA

The Ohio Municipal League (OML) serves as the primary connection point between municipal and state government in Ohio, representing the interests of cities and villages to lawmakers and the governor's administration.

We are pleased to present our 2023-2024 Public Policy Agenda, which highlights core areas of focus essential to the ability of municipalities to carry out their work and provide critical services for their residents and visitors – including infrastructure, recreation, first-responder services, and important operational needs such as snow removal.

Residents are best served and experience a higher quality of life when state and local government work together – preserving local decision making and providing for long-term, sustainable financial resources.

**2 out of 3 Ohio residents** live in a city or village, which translates to roughly **8 million people** in our state's **926 municipalities**.

Without collaboration between local and state government, infrastructure maintenance is delayed, there is less investment in economic development, public safety and health are reduced, higher taxes become inevitable, and municipalities struggle to maintain adequate staffing levels. This can be avoided.

OML exists to effectively advocate for cities and villages at the state level, to inspire and inform on best practices within municipalities, and to work alongside government, business, non-profit, and educational leaders – all of whom are important partners in creating stronger Ohio communities.



## 2023-2024 LEGISLATIVE PRIORITIES

### **Restore Local Government Fund (LGF)**

- Return to historical funding levels
  - Stem future cuts to LGF revenue sources
  - Refund municipal supplemental distributions redirected away from intended municipalities in past budgets
- 

### **Preserve Home Rule**

- Allow Ohio's local leaders to make local decisions
  - Avoid statewide preemptions
  - Guard against unfunded state and federal mandates
- 

### **Protect Public Safety Funding**

- Reverse damage of businesses opting to file net profits through the Ohio Business Gateway
  - Head off attempts for state collection of local individual income taxes
  - Prevent state changes in local tax management
- 

### **Invest in Public Infrastructure**

- Increase state funding for municipal transportation infrastructure, including bridges, roads, and public transit
  - Provide state funds for local water, sewer, housing and broadband investments
- 

### **Partner to Fight Opioid Addiction**

- Earmark funds for local public and private health and safety initiatives
- Partner on education and prevention efforts
- Collect and share more data and information with public health and safety officials

## CREATING JOBS

*OML advocates for policies that help our communities create jobs, advance economic development, and promote sustainable economic growth.*

### ★ Economic Growth

Support and facilitate job creation and economic development efforts by municipalities, providing more tools and flexibility to develop and redevelop properties, retain and expand jobs, and promote workforce development in partnership with business.

### ★ Annexation

Support and facilitate the rights of property owners and municipalities to annex property and assure economic development, essential municipal services, and fiscal responsibility.

### ★ Housing

Support and facilitate the development of a broad spectrum of safe, affordable, fair housing and provide municipalities with the tools and authority to ensure property owners maintain their properties.

### ★ Land Use Planning, Management, and Control

Support and facilitate the primacy of municipalities in land use and development matters within and around their jurisdictions to promote effective and sustainable growth, safe buildings and infrastructure, and management of right of way.

**Municipalities work hand-in-hand with our businesses and residents to strengthen our economy. We must partner with state leaders to find new tools to promote investment, job creation, and workforce development.**

## PROTECTING CITIZENS

*OML advocates for policies that help our communities protect citizens through responsible public safety and health measures.*

### ★ Fighting the Opioid Epidemic

Support and facilitate new funding with state and local cooperation to address the threat of opioid and other harmful drugs through law enforcement, addiction treatment, and public education.

### ★ Homeland Security and Emergency Management

Support and facilitate intergovernmental coordination and cooperation, training, and investment on matters of public safety, health, and emergency management.

### ★ Supporting First Responders

Support and facilitate direct operational and financial assistance to local agencies managing first responders, health services, and infrastructure on homeland security and public emergencies.

### ★ Liquor Control

Support and facilitate cooperation and understanding of municipal recommendations, and on local safety and operating, in the regulation of liquor permits within a municipality.

**Our communities are on the front lines fighting the opioid crisis. Our public safety and health officials need stronger funding, information sharing, and partnership with the state to fight crime and treat those in need.**



## INVESTING IN PUBLIC INFRASTRUCTURE AND CLEAN WATER

*OML advocates for policies that help our communities provide clean drinking water, safe and efficient transportation, safe energy, and quality parks through reliable public infrastructure investments and services.*

### ★ **Transportation**

Support and facilitate a safe and efficient transportation system with adequate funding of state infrastructure within municipalities and for effective local public transit systems, and work with municipalities to expand local funding and public-private partnership tools.

### ★ **Clean Drinking Water**

Support and facilitate local agencies providing clean drinking water and sanitary and stormwater management services, and provide adequate funding to help locals comply with environmental mandates, funding, and regulation to ensure water sources are protected from natural and man-made risks.

### ★ **Prevailing Wage**

Support and facilitate project management by municipalities and allow local options and thresholds for prevailing wage projects.

### ★ **Broadband and Smart/Emerging Technology**

Support and facilitate public and private investment in broadband and smart/emerging technology, and respect local authority over the use of local public facilities, lands, and right of ways for these investments.

**Clean water, safe roads, and information technology are not local issues; they are fundamental to our state's public health, safety, and economic competitiveness. Our state must become a stronger partner in local infrastructure initiatives.**

## ADVANCING GOOD GOVERNMENT AND FISCAL RESPONSIBILITY

*OML advocates for policies that help our communities promote ethical, efficient, and fiscally responsible governance through effective leadership and financial management, guided by home rule.*

### ★ **Home Rule**

Support and facilitate the home rule of municipalities, grounded in our state constitution and guided by our citizens, and have state policy that resists infringement on this authority.

### ★ **Taxes and Finances**

Support and facilitate the right of municipalities to impose and collect an income tax on earnings within their boundaries to provide funding for essential municipal services like police, fire, emergency medical services, and snow removal.

### ★ **Fiscal Responsibility**

Support and facilitate municipal management and do not impose unfunded mandates, employment restrictions, or other impairments to local decision making, funding, and governance.

### ★ **Ethics**

Support and facilitate good-government practices and training of local elected officials and employees on ethics, financing, management, procurement, and customer service.

### ★ **Cooperation and Innovation**

Support and facilitate municipalities cooperating and sharing services with other public agencies and promoting innovation to improve service delivery, customer service, and cost efficiencies.

### ★ **Racial Equity**

Advance racial equity in our local communities. We will continue to partner with other government associations and community leaders to identify current and historical racial disparities and help educate local leaders on ways to ensure inclusiveness and equity in communities.

**To serve our residents and promote development effectively, we need local decision making and local financial management without state preemptions, unfunded mandates, and tampering with our finances. Let's rebuild our state-municipal relationship based upon mutual respect and cooperation.**

# Local Government Incentives Available Under Inflation Reduction Act

Federal energy policy is making many new incentives available for local governments to fund energy-related assets. The Inflation Reduction Act (IRA), enacted in 2022, established a set of energy-related asset categories that are now being directly subsidized by the federal government. Under the IRA, nearly any advanced or renewable energy asset constructed by a local government is eligible for some kind of federal cash subsidy.

Importantly, local governments are not taxpayers and normally do not benefit from tax credits, but the IRA authorizes direct pay tax credits as cash subsidies to local governments to fund energy-related assets. Now, counties, townships, municipalities, and school districts can build long-term energy-producing assets like solar fields, install geothermal heating, or invest in clean fuel buses for their vehicle fleets, all with federal support. New local government buildings can be constructed more cheaply with IRA-authorized subsidies.

This article provides a summary overview of the key incentives available under the IRA for local governments investing in green, energy-related assets.

## Green asset categories are targeted

The IRA opens up the playbook for investment by authorizing direct federal support for many green and renewable technologies. The investment tax credit is available for solar facilities, small wind projects, fuel cells, energy storage systems, microgrid controllers, electrochromic glass, certain geothermal facilities and qualified biogas facilities. The production

tax credit is available for solar and wind facilities, biomass facilities, geothermal facilities, hydropower, small irrigation and certain landfill and trash energy facilities. Other direct pay tax credits are available for qualified clean commercial vehicles and alternative fueling and charging stations in low-income or rural areas.

In addition to the green asset categories described above, certain tax benefits may be passed along to vendors that design energy-efficient buildings for tax-exempt local government users. Care should be taken when designing new government building projects, because many projects may have energy-related elements that are eligible for federal support.

## Significant cash payments are available through tax credits

The IRA makes tax credit funds available for an unlimited number of energy-related projects nationwide. For the investment tax credit category, generally the base tax credit can be as low as 6% of the project's costs and the maximum tax credit can be as high as 70%, depending on the specific asset, the location of the project and certain other compliance-related factors. The typical investment tax credit for a small solar asset under 1MW will be equal to 30% of the qualifying costs of the solar asset. For the production tax credit category, tax credit levels are based on the amount of green power produced by the asset. Tax credits are available to local government and non-profit owners in addition to private owners, manufacturers, and utilities.

**John Caleb Bell, Rebecca C. Princehorn, Christopher L. McCloskey,  
Justin D. Cook, John Flis, *Bricker and Eckler LLP***



## **Tax filings are required to claim payment**

To claim a direct pay tax credit under the IRA, a local government must pay the cost of the eligible asset, place that asset in service and then file a special tax return that claims a refund for the amount of the tax credit. The IRS will then issue a refund check for the amount of the tax credit.

Local government fiscal officers should be mindful that the tax credit process involves certain IRS filing requirements that may be unusual for fiscal officers. A special application process for direct pay tax credits was used for Build America Bonds, Qualified School Construction Bonds, Recovery Zone Facility and Economic Development Bonds that were authorized under the American Recovery and Reinvestment Act of 2009.

## **Tax-exempt governmental bond options are enhanced**

Local government benefits have typically not been the focus of federal tax laws. Recognizing the opportunity to spur local investment in green assets, the IRA has enhanced local government opportunities to fund green assets with tax-exempt governmental bonds.

Previously, tax-exempt governmental bonds that funded green assets would not result in special federal tax benefits beyond the tax exemption itself. In addition, the private activity bond rules in effect before the IRA resulted in a 50% reduction in the tax credit when attempting to pair an investment tax credit or a production tax credit with tax-exempt bond financing. The IRA permits tax-exempt governmental bond financing of green assets and scales back the reduction in tax credit percentages from 50% to 15%. Now, any local government projects financed by tax-exempt governmental bonds will receive a much smaller 15% reduction in the amount of credit for which the project is otherwise eligible. For example, a 30% investment tax credit for a solar project funded entirely with tax-exempt governmental bonds will be reduced by 15% to become a 25.5% effective credit. In other words, if local government pays \$100,000 for a solar installation with cash, then the effective subsidy is \$30,000, but if local government pays \$100,000 for a solar installation with tax-exempt bond proceeds, then the effective subsidy is reduced to \$25,500.

## **Sequestration risk is limited**

Prior federal laws and programs, including many ARRA bond programs, attempted to stimulate local government investment by using tax credit subsidies to offset debt

service payments. Later, when times were tight and federal budgeting priorities shifted, the federal government unilaterally reduced the subsidy by sequestering a portion of the payments it promised to local government bond issuers. In many cases, local governments that relied on ongoing tax credit subsidies to support their debt service obligations felt a bit of “bait and switch” due to the IRS enforcing sequestration.

The IRA attempts to eliminate sequestration risk by causing the federal subsidy to become a one-time, up-front style payment instead of an ongoing series of payments over time. Once an eligible project is placed in service, the local government owner can apply for the direct pay tax credit and obtain the direct pay tax credit payment. There are some mechanisms in the IRA that offset or reduce the effectiveness of the tax credit as a penalty if the requested tax credit is too high or not applicable. While no one can predict how long the exact tax credit percentages in the current version of the IRA as enacted will remain in effect, it does appear that local governments can rely on the subsidy opportunities without extensive recapture or sequestration risk.

## **Compliance issues are present but not onerous**

It should be noted that the IRA is federal legislation and it comes with some specific rules based in part on the assets being constructed and in part on the level of tax credit being requested. Some energy-related assets have specific construction and placed-in-service requirements that need to be followed. There are important domestic content rules in place to ensure that energy assets are sourced from American-made materials. In addition, all eligible assets can obtain some base level of tax credit, but some of the higher tax credit percentage levels may require additional federal prevailing wage compliance or may need to be located in targeted areas.

## **Conclusion**

Energy assets are often long-term assets that reduce ongoing operating costs and can be worthwhile projects on their own. Under the new IRA law, the upfront cost of an energy asset can be partially offset with a cash payment from the federal government equal to 30% or more of the cost of the asset. In short, there’s pretty much no good reason why a local government investing in renewable energy assets, sustainability assets or clean vehicles should not consider applying for a federal tax credit to offset the costs of these assets. If a local government is including energy assets in a project, there are some compliance boxes

to check off, but the amount of the federal tax credit payment can be significant.

Bricker's Public Finance, Construction and Energy teams can advise directly on IRA qualification and compliance issues. Our teams are excited to leverage this new law and assist local governments seeking to invest in clean, renewable, and sustainable energy assets.



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# Recent Sixth Circuit Employment Affecting Public Employees

Social Media



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W

# Employment Decision by Employers

Jonathan J. Downes, Katherine J. Mills, & Andrea Y. Lim, *Zashin & Rich*

## **Jamie Marquardt v. Nicole Carlton, et al., No. 21-3932 (6th Cir. 2022)**

*The Sixth Circuit of the United States Court of Appeals affirmed the decision of the district court which ruled that the employee's First Amendment interests in a social media post did not outweigh the fear of civil unrest interests of the employer.*

Jamie Marquardt was terminated for two Facebook posts commenting on the shooting of twelve-year-old Tamir Rice. These posts alluded to Rice deserving to be shot and Marquardt's desire to shoot Rice. These posts came at time of civil unrest in Cleveland, especially as just days before, the public shared its frustration when it was revealed that Cleveland Emergency Medical Service ("EMS") had billed Rice's family for the ambulance ride. Marquardt's posts were also condemned by the Cleveland NAACP President by an article in Cleveland.com. After termination, Marquardt filed suit against EMS Commissioner Nicole Carlton and Cleveland ("the City") for wrongful termination.

The district court decided that Carlton and the City did not violate Marquardt's

First Amendment rights by terminating him because his Facebook posts did not address a matter of public concern. Marquardt appealed in which the Sixth Circuit reversed and remanded the decision back to the district court based on findings of the Sixth Circuit that the posts and comments were a matter of public concern. However, the district court once again granted summary judgement to the City stating that "the City's interest as an employer outweighed Marquardt's free speech interest." Marquardt appealed again.

The Sixth Circuit court used the balancing test from *Pickering v. Board of Education*, 391 U.S. 563 (1968), weighing on "whether Marquardt's free speech interests outweighed the interests of the City as an employer." In determining



**Jonathan J. Downes**, an OSBA Certified Specialist in Labor and Employment Law, has extensive experience advising public entities and employers on labor and employment law issues. If you have questions about this decision or other labor law concerns, please contact Jonathan at [jjd@zrlaw.com](mailto:jjd@zrlaw.com) or (614)224-4411.

the City's interest, the court considered whether Marquardt's posts (1) impaired discipline by superiors or harmony among co-workers; (2) had a detrimental impact on close working relationships for which confidence and personal loyalty were necessary; (3) impeded the performance of Marquardt's duties or the regular operations of Cleveland EMS; or (4) undermined the City's mission.

The court noted that First Amendment interests bear heavy weight when used in a balancing test, but in this case, those interests did not outweigh



**Katherine J. Mills**, joined Zashin & Rich in 2022. As a member of the firm's Employment and Labor Groups, she represents both public and private sector employers in all aspects of labor and employment law. You can contact Katherine at [kjm@zrlaw.com](mailto:kjm@zrlaw.com) or at (216)696-4441

the interest of the City because Marquardt's posts satisfied all four of the factors. The City's interests were weighed heavily especially considering the civil unrest that occurred after Rice's death. Specifically, the court stated the *Pickering* test tipped in favor of the City because in instances where "close working relationships are essential to fulfilling public responsibilities'... [the court] should cede to the employer's decision." Citing *Gillis v. Miller* (845 F.3d 677), the court placed important deference to the city because the "speech threaten[ed] to undermine the functions

of organizations charged with maintaining public safety.” Therefore, because of the speech at issue and the actual and predicted disruption on the City, the *Pickering* test weighed in favor of the City maintaining public safety.

While there was no physical proof that Marquardt’s posts caused civil unrest, the court relied in precedent stating that “a public employer does not always have to show actual disruption to prevail under the *Pickering* balancing test” and that the context of the situation is taken into account.

.....

**Jonathan J. Downes and Katherine J. Mills are attorneys in the Columbus and Cleveland offices respectively. Andrea Y. Lim is a second-year student and on the Law Review at the Ohio State University Moritz College of Law. She is also currently a law clerk at Zashin & Rich Co., LPA.**



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Currently serving as first vice-president of the Mayors Association of Ohio, Ben Stahler has served as Bellefontaine's mayor since 2014. A native son and retired pharmacist, Stahler believes that one of his duties is to foster economic vitality not only in the city and Logan County, but throughout the region. Long active in community affairs, Stahler helps train service dogs (his eleventh, Biscotti is his current companion). Bellefontaine was recently named one of Ohio's "Best Hometowns" by Ohio magazine.



Along South Chillicothe Avenue, a group of buildings that many thought should be demolished has been transformed into Rainbow Row, completely transforming the street. Thriving businesses are behind once boarded storefronts. Interestingly, 70% of the new business owners in downtown Bellefontaine are under 40, and 75% of the new businesses are owned by women.

Branding and wayfinding signs, found at intersections throughout downtown, have helped Bellefontaine develop a reputation as a destination for a variety of dining, shopping, and entertainment experiences.

# In the Spotl Bellefontc

The Flying Pepper Cantina started as a food truck and now is a brick-and-mortar location in downtown Bellefontaine. One of 7 new restaurants in downtown Bellefontaine, the Flying Pepper features authentic Mexican cuisine, small plates, and hand-crafted cocktails. It is located on the ground floor of the same historic building that houses BUILD Cowork+Space Bellefontaine.



BUILD Cowork+Space Bellefontaine was created in an 8,000 square foot renovated historic building. The concept has been so successful that Small Nation intends to create even more coworking space on the second and third floors of the Opera Block.



Bellefontaine is the home of the first concrete street in America. In 1891, George Bartholomew was able to convince Bellefontaine City Council to try paving Court Avenue with what was then called "artificial stone". They agreed, so long as he paid the cost of the project, and posted a bond guaranteeing that the pavement would last at least five years. It did, and a portion of the street he constructed is still there today - more than 130 years later! In 1893, Bartholomew (whose statue stands near the middle of "his" street) received a gold medal for "First Place for Engineering Technology Advancement" at the Columbian Exposition in Chicago. Bellefontaine is also the home of the shortest street in America (McKinley Street is 15 feet in length), the highest point in Ohio (Campbell Hill at 1,549 feet), and such notable residents as author and playwright Allan Eckert, Army Major General Niles Fulwyler, anthropologist Melville Herskovits, investment banker Edward Jones, Air Force Major General Robert A. McIntosh, clergyman Dr. Norman Vincent Peale, and snowboarding Olympian Louie Vito.





Over the course of the past ten years, Small Nation CEO Jason Duff (right) has assembled a team of a dozen associates who have helped transform downtown Bellefontaine from a dying city to a lively destination - a bustling center of entrepreneurship, entertainment, and excitement. Here Duff meets with Bellefontaine Mayor Ben Stahler (center), and Small Nation Business Development Associate Nick Davis (left) to discuss progress on the Opera Block, one of the latest challenges Small Nation has undertaken in Bellefontaine. Today Bellefontaine has 7 new restaurants, 3 event centers, 17 new specialty retail stores, 34 upper floor apartments, 56 historic buildings that have been renovated, and more than 180 new downtown jobs! In addition, Small Nation has been working with other communities across the country to share the "Bellefontaine story" and the importance of community branding, conducting a downtown assessment, and formulating a strategy for downtown redevelopment.



# flight ... taine, Ohio

The Opera Block sits just south of the Logan County Courthouse and is a massive building that contains 13 storefronts (12 have already been leased). Constructed in 1880, the property was condemned when purchased by Small Nation in 2021. Restoration of the building's exterior began immediately. The upper floors are currently under renovation and will feature additional coworking space for BUILD Cowork + Space Bellefontaine.



Many of the buildings on West Columbus Avenue were boarded and at best, underutilized. In all cases, the upper floors had not seen productive use for years.



Bellefontaine's 1913 Post Office served the citizens of Bellefontaine until a new building was constructed nearby. The building sat empty for nearly fifty years and was slated for demolition before the city took a portion of the money it would have taken to demolish the building, gave it to the developer on the condition that the windows and roof be replaced. The building is waiting for new life and would make an ideal location for an architectural or engineering firm, a theme restaurant (imagine express delivery or lost mail), or any of a host of other purposes.



The Bellefontaine Regional Airport handles 30 to 50 flights daily. The airport, managed by Midwest Corporate Air, features a 5,000 foot runway, a terminal that includes a lobby, pilot's lounge and conference room, and is Cirrus Certified. Pilots have traveled to the airport from 34 states for check rides. Midwest Corporate Air is the leading provider of multi-engine private, multi-engine commercial and multi-engine instructor ratings, as well as providing Airline Transport ratings. Many Midwest Corporate Air students are now employed with the FAA, military, and civilian flying operations.





# ON POINT: WITH PEP

## SAFETY COMMITTEES: A PROACTIVE APPROACH TO REDUCING CLAIMS

By Diana Woolf  
PEP Risk Services Team

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Safety committees play an effective role in reducing claims for an organization. The level of effectiveness begins with management commitment. Leadership must provide the direction and resources necessary to start any safety committee program. The Occupational Health and Safety Administration recommends the following approach to implementation of a Safety Committee:

- 1. Communicate leadership commitment to the safety program** – Establishing a written policy for the development of a safety program.
- 2. Define the Program Goals** – Goals should focus on specific actions to improve safety and time frames for meeting them.
- 3. Allocate resources** – Management must provide, at a minimum, a staffing requirement to the program, as well as provide committee members the ability to meet.
- 4. Outcome performance** – Measurements must be implemented to measure success. Reduction in claims, frequency or dollar loss amounts can be measurement tools. One important consideration in formulating a safety committee is **deciding how it will be organized**. It is not uncommon for public

entities to include every department, each represented by one employee. The best committee members are employees who are receptive to new ideas, familiar with their department, interested in health and safety, able to express ideas, willing to compromise and respected by coworkers. Non-supervisory employees can contribute to buy-in of the safety initiatives set forth by the committee and allow workers to have a **voice in their operations**. Safety committees include members of the public safety, utility, and service departments, and a member of administration.

Once the team is created, the safety committee is responsible for **reviewing safety protocols and driver's training programs, discussing work operations, analyzing claim trends and finding solutions for improvement**. Safety committees can review accident investigations and safety concerns within each department. The safety committee can provide improvements to work processes and develop policies and procedures for approval by leadership. Roles within the team can be assigned such as committee chair, accident investigations and training.

**Safety committees should meet quarterly** to discuss any recent accidents and progress. Safety committee members must be consistent and diligent about meeting times and attendance. Every committee needs a designated member to provide an agenda, track meeting notes and follow up for the team. Committees should consider adopting an order of business for each meeting to include attendance, introductions as needed, unfinished business, review of accidents, safety education opportunities, new business, comments and adjournment. Committee members should be tasked with coming to each **meeting with a minimum of a near-miss situation and how it was handled, a safety suggestion or an example of positive reinforcement of safe behavior from their department**.

The safety committee is about more than just discussing safety. The true goal is to provide solutions for safety issues and frequent claims. A safety committee program also helps employers implement policies and procedures when supported by the safety committee findings. The actions of the safety committee provide employers information on where to focus safety efforts and needed resources. **Having committee members representing every department**

helps prevent blanket, nonspecific directives that are one-size-fits-all for the organization. Solutions being provided by the safety committee facilitate more employee engagement and provide more investment in safety by all. Employee advocates for safety help employers improve the safety culture and provide the most benefit when workers are engaged.

Actions by the employer to support and recognize efforts achieved by the safety committee are imperative to the success of the team.

**FOR MORE HELP  
ESTABLISHING A SAFETY  
COMMITTEE FOR YOUR  
ORGANIZATION, CONTACT  
PEP RISK SERVICES!**



# Legislative Spotlight:

## State Senator Stephanie Kunze

### *Ohio's 16th Senate District*

*I am Senator Stephanie Kunze, and I am grateful to serve Ohio's 16th Senate District, which includes Franklin, Madison and Pickaway counties. I have called Ohio my home for over 25 years, and it is within this great state that my husband and I have happily raised our two daughters.*



*This General Assembly, I have been named as the Chairman of the Senate Transportation Committee and serve as a member of the Senate Local Government Committee. Our transportation system touches the lives of every Ohioan and our network of roads, bridges, and highways is a valuable asset to the welfare and ongoing prosperity of our state.*

*As a former Hilliard City Councilwoman, I know firsthand that it is only through our cooperation and collaboration with our local governments and municipalities that Ohio will continue down its path of economic growth and continued prosperity for all. Thank you for your service to Ohio.*

#### **Committees:**

- **Transportation | Chair**
- **Local Government**
- **Insurance**
- **Financial Institutions and Technology**
- **Rules & Reference**

# Upcoming SLFRF Reporting Deadline: Five Tips for Small Governments

**Michael Gleeson, *National League of Cities***

The second anniversary of the passage of the American Rescue Plan Act, which funded the State and Local Fiscal Relief Fund and provided a historic direct federal investment to every one of the nation's local governments, is almost here.

In addition to considering how to use any unallocated funds and celebrating the investments of these dollars, local governments should start preparations to comply with the reporting requirements tied to these funds.

At the end of April, all local governments will have to file a Project & Expenditure report to comply with the receipt of their ARPA funds. Of these government units, more than 26,000 reports are expected to be made by Non-Entitlement Units of Local Government (NEUs), which are what the U.S. Department of the Treasury considers smaller governments.

This deadline may seem daunting for smaller government operations or new staff not familiar with the reporting process. Here are the top five tips from NLC to help you navigate the process.

## **1. Check whether your city, town, or village took the standard allowance in April 2022.**

The standard allowance option allows a city to take up to \$10 million, not to exceed the total size of the grant, in lost revenue and use those funds for government services. It provides the most streamlined reporting and is the most flexible expenditure category.

In 2022, the guidance said that cities had to make a one-time, irrevocable decision to take the standard allowance. However, subsequent guidance modified this by saying a city could choose the standard allowance on their next filing—which for most cities is April 2023.

As this is the most flexible expenditure category, it is recommended that your city consider electing to take the standard allowance in 2023 if you did not in 2022.

## **2. Log in early.**

Thousands of cities waited until the last minute to file their Project & Expenditure reports before the last April reporting deadline, which caused a significant delay in troubleshooting any filing questions and access to the portal. The Treasury help centers were flooded with calls and emails from city officials and staff trying to get into the portal. For any number of reasons, many cities had trouble accessing the portal.

One of the challenges cities might face this year is if the people chosen in the system as having access to Treasury's portal are no longer employed with your city. Ensure you have a designated member of staff to complete the report and they have proper access to the system, well in advance of the deadline.

## **3. Use the Treasury's resources.**

The U.S. Department of the Treasury has resources that can assist local governments learning how to file their Project & Expenditure report. From compliance manuals to YouTube videos, Treasury has tried to make it as easy as possible for cities to comply.

The first resource smaller governments can use to learn more about filing their report is this YouTube video: <https://www.youtube.com/watch?v=0NE1ZQXzOWo> (which has been specifically tailored for NEUs). The video is 42 minutes long, but if you start early, this will be 42 minutes well spent to save you time later.

## **4. Use Login.gov.**

If you are new to the filing process or only did it last year, you might forget where to start.

Login.gov is the website where cities can go to access Treasury's reporting portal. This helpful step-by-step guide will help elected officials and city staff create credentials for Login.gov: <https://home.treasury.gov/system/files/136/Login.gov-User-Guide.pdf>

## **5. Use the help desks if you get stuck.**

In October, Treasury ran out of funding to staff the help desks for the SLFRF program, leaving cities to figure it out on their own. NLC fought hard to get money for the help desks added to the end of the year spending package, which successfully passed Congress and was signed by President Biden.

Now, the help desks are once again operational and ready to help city staff and elected officials file their April reports. If you need to reach a person at the Treasury help desk, you can email [SLFRF@treasury.gov](mailto:SLFRF@treasury.gov) or call (844) 529-9527.

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*Michael Gleeson is the Legislative Director of Finance, Administration, and Intergovernmental Relations at the National League of Cities. This article has been reprinted from the NLC website.*



OHIO MUNICIPAL LEAGUE



SERVICE CORPORATION

## Ohio Municipal League

Since 1952, the Ohio Municipal League (OML) has been the voice of municipalities in the state legislature and the guardian of municipal rights. While the OML remains true to its core values, there is a need when municipalities utilize providers of municipal services to have those providers appropriately vetted. This is a specialized service the OML is uniquely qualified to perform for its members. Thus, the OML board of directors authorized in 2016, the creation of a whole owned subsidiary named the OML Service Corporation (OMLSC).

The OML Service Corporation has sought, and will continue to seek, proposals from providers of municipal services. Only after the OMLSC is satisfied that the services provided to municipalities meet the highest standards for the lowest possible cost, is an agreement made for the OMLSC to endorse a provider. Palmer Energy Company has met that high standard in delivery of energy consulting services to municipalities and their residents, as will become evident as you read this brochure. Finally, rest assured the OMLSC, as a subsidiary of the OML, will always be there should you have questions or concerns.



## Palmer Energy Company

Palmer Energy Company is a Toledo based energy consulting firm founded by Jim Palmer in 1980. Palmer Energy was a natural gas industry pioneer by working on their customers' behalf as an external consultant. Purchased by Mark Frye in 1994, Palmer Energy has become a leader in unbiased energy management and consulting. While its evolution continues alongside the energy industry, Palmer Energy Company is dedicated to operating as an integral member of a client's energy management team.

Palmer Energy acts as the energy manager for over 1,000 entities that span several thousand locations, including municipalities, counties, school districts, long-term care facilities, healthcare facilities, manufacturers, churches, financial institutions, commercial laundries, greenhouses and municipal aggregations.

### Services Provided

As the energy consultant for the Ohio Municipal League, energy savings programs we will provide the following:

- Exemplary consulting services
- Provide marketing materials to OML for customers
- Facilitate savings program process
- Assess needs of communities
- Monitor market conditions & trends for extended buying opportunities
- Analyze current regulatory conditions and provide updates
- Provide savings analysis and budget estimates
- Liason for suppliers and OML group – RFP process, supplier agreements, updates, etc.
- Provide customer support to address questions and concerns – (dedicated phone line)

Palmer Energy Company will actively handle the following energy programs for the Ohio Municipal League:

- Natural Gas Program
- Electric Program
- Government Aggregation Programs – Natural Gas and Electric
- Solar Program





## Energy Programs

The Ohio Municipal League partnered with Palmer Energy Company to help build and manage a natural gas and electric program for the facilities of member cities and villages. This program was designed specifically to help cities and villages save money on their natural gas and electric bills by utilizing Palmer's knowledge and the strength of group buying.

Palmer Energy Company currently manages five energy programs:

- Natural Gas Program
- Electric Program
- Solar Program
- Government Aggregation Electric Program
- Government Aggregation Natural Gas Program

## Palmer Energy Programs

### Chamber Energy Solutions (CES)

- Chamber Energy Solutions was created in 2007 as an energy program for Chambers of Commerce to provide electricity and natural gas savings to their members. There are currently ten Chambers of Commerce in this program.

### Growers Energy Solutions (GES)

- GES was started in 2006 in partnership with the Maumee Valley Growers Association (MVGA). The program is currently sponsored by the Ohio Nursery and Landscape Association (ONLA), Metro Detroit Flower Growers Association (MDFGA) and Michigan Plant Growers Cooperative.
- This program helps manage natural gas costs by bringing local growers together. Growers across the State are part of the GES Energy Advisory Board and are actively involved in all decisions for the program.

### Ohio Alliance of YMCAs

- Palmer partnered with the Ohio Alliance of YMCAs in 2013 to provide savings on their energy purchases to their nine member YMCAs.

## Management Team

### OMLSC

Garry Hunter,  
Chief Executive Officer

### OML

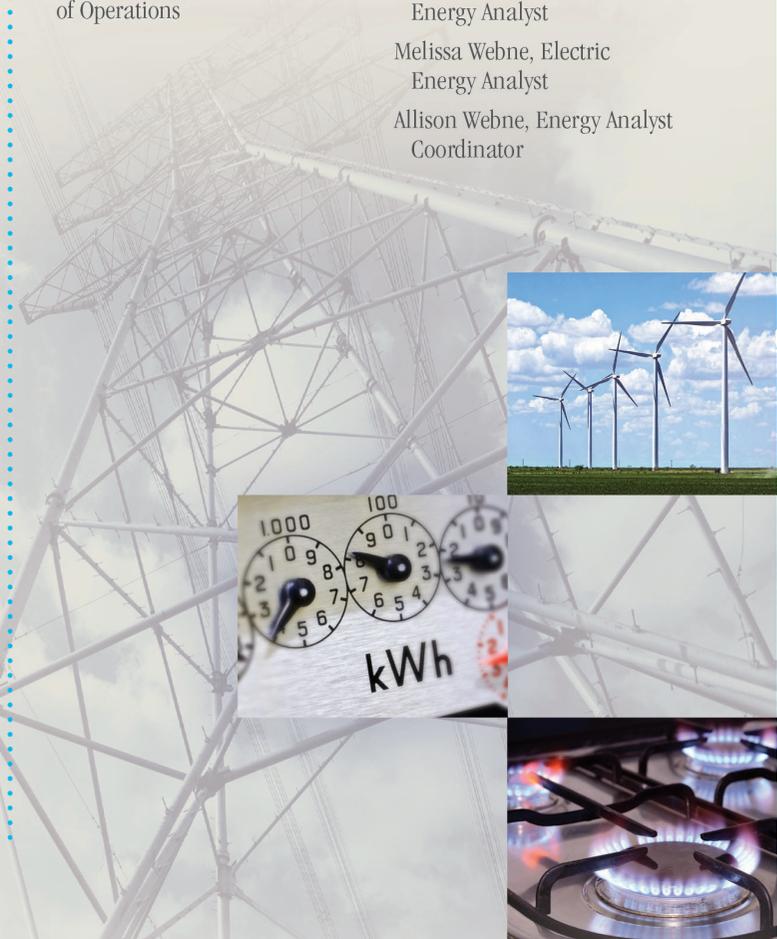
Kent Scarrett, Executive Director  
Edward Albright, Deputy Director  
Garry Hunter, Legal Counsel

### CCAOSC

Suzanne Dulaney,  
Executive Director  
Keith Blosser, Managing Director  
of Operations

### Palmer Energy Company

Mark R. Frye, President  
Kirkland E. Mizerek,  
Executive Vice President  
Elaine Canning, Vice President  
Andrea Flowers, Program Manager  
Amy Hoffman, Energy Consultant  
Bill Bradish, Energy Consultant  
Bob Snively, Energy Consultant  
Anne Schenk, Director of  
Consulting Services  
Josh Felix, Natural Gas  
Energy Analyst  
Melissa Webne, Electric  
Energy Analyst  
Allison Webne, Energy Analyst  
Coordinator



# Helping Local Governments Finance



# Community Improvements

**Robert Sprague, Ohio Treasurer**

*For Ohio families, businesses, and local governments, it feels like we are living in an economic vise. On one side, we continue to feel the impact of ongoing, high inflation. On the other side, we're being squeezed by rapidly rising interest rates.*

As you probably know, the Federal Reserve interest rate was raised seven times in 2022 and we're likely to see more increases in 2023. The one-two punch of inflation and interest rate hikes has made it difficult for local governments to budget and plan for important community infrastructure projects. But we know your need for public improvements has not changed.

While these national economic forces are working against your efforts, at the state level, our team is here to support you and help lower your borrowing costs.

Administered by the Treasurer's office, the Ohio Market Access Program (OMAP) is a powerful credit enhancement program that leverages the state's excess liquidity and high short-term credit rating to improve market access and lower borrowing rates for local governments.

OMAP has been a helpful tool for years, but it becomes exponentially more useful in the high interest rate environment we are currently experiencing. Whether it's for routine infrastructure improvements or larger projects to enhance economic development, OMAP can put the state's high credit rating to work for your community.

OMAP has been used for projects such as road and electric upgrades, as well as sewer and water system improvements. For example, the City of Hamilton (Butler County) recently utilized OMAP to save more than \$181,000 when borrowing to acquire and construct a criminal justice complex, make stormwater and wastewater system improvements, and road improvements.

Any government subdivision issuing short-term debt and in good fiscal standing, including cities,

villages, school districts, counties, townships, and special districts, is eligible to participate.

Since its inception in 2014, OMAP has supported more than 255 deals across the state ranging from \$365,000 to over \$100 million. There have been no defaults, and to date, OMAP has generated more than \$4.7 million in total estimated savings for local governments.

Additionally, at the end of last year, the State Liquidity Fund received the top "AAAf" rating from S&P Global Ratings. This is the fund we use to provide the credit enhancements through OMAP, and with this high rating, our office will continue to provide the largest possible interest rate reductions.

Communities that are interested in using OMAP can start the process by filling out an application through the Ohio Treasurer's office. Upon an analysis by and confirmation from S&P, the subdivision receives a rating for their notes issued through OMAP. If approved, the subdivision enters into a standby note purchase agreement with the Treasurer's office and a paying agent. Finally, the issuer and underwriting team sells their note to the market with OMAP credit enhancement.

During these volatile economic times, OMAP can stretch your hard-earned dollars as you finance critical projects in your communities. When everything costs more, these savings can go a long way. To learn more about the Ohio Market Access Program and how it can save your community money on borrowing costs, please contact the office or visit <https://www.tos.ohio.gov/omap/>.

# Growing Your Tax Base Without Advertising

*John L. Gann, Jr.*

Suppose you want more businesses and families to locate in your town and contribute to your tax revenues. But they don't seem to be doing that as much as in some other places.

To get the word out about your town to the people who could change that, you could advertise. But many Ohio cities and villages that are not getting the growth they want do not advertise because they don't believe it is effective. And when you examine some of the economic development advertising communities have done, you understand how they might have reached that conclusion.

But there is another way. It is called advertorial.

## ***The Opposite of Advertising***

Like advertising, advertorial is getting the word out about your town in print (or on the Web) --but plain. Without a slogan. Without a branding logo. Without fancy colored type. The way a newspaper or magazine does in the space between the advertisements.

In many ways, it is the opposite of advertising. It is like what that publication's reporters might do if you could get them to tell your story.

Advertorial gets its name because it looks and sounds like the non-commercial editorial material publications run all the time—the stuff people like to read. And because it is designed to do the same marketing job as advertising—

the stuff people usually don't like to read--only better.

Advertorials do not look like advertising. That is a big advantage because most of us do not like advertising. An ad is a signal to turn the page.

And it has been proven that advertorials get more attention than advertising. "Readers," says marketer Joe Vitale, "are up to 500 times more likely to read an advertorial than a straight ad."

## ***How It is Different***

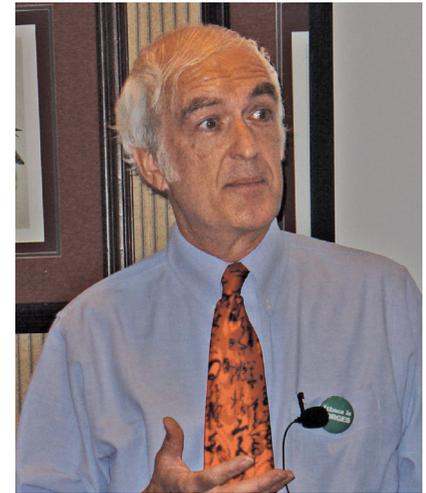
The most significant differences from what we see in advertising are that, like editorial, advertorial has:

- more words
- few or no pictures
- no artsy format
- less showy color
- no unsupported boasting
- some of the same appeal of articles
- no hard sell
- direct quotes from other parties and little blank space

And it bears a notice across the top making it clear that it is a paid, sponsored message and not part of the publication's editorial matter. The notice is there because there may be no other way to tell.

## ***A Powerful Advertorial***

A page in a recent issue of *Business Facilities* is a notable example of an advertorial. "Lubbock's Food Industry Leaders



Knock It Out of the Park," read the headline of a baseball-flavored full-page story about Lubbock, Texas, which did the same in several ways.

Eight paragraphs of copy contrasted with the eight lines—or even just eight words—to which copy is often confined in municipalities' advertisements. They made the case for Lubbock with a single case study. And three things made that copy unusually potent.

1. Copy described in detail a single advantage of a Lubbock location instead of the sketchy enumerations of multiple "we have it all" advantages found in many cities' advertising. It focused on the most important point.
2. The right single advantage—labor force—was chosen. This is the location factor that always ranks the most important when companies seeking sites are surveyed about their requirements. It always beats taxes, incentives, availability of sites, quality of life, and other factors that places' advertising emphasizes.

3. Lubbock's advantage was detailed exclusively by the quoted words of the CEO of the case study company that chose the city. Most municipal advertisements instead present the boastful self-serving words of the city's economic development office, which has much less credibility.

In addition, the page's graphics were simple. The case study plant was shown

next to an attention-getting close-up of the product it produces. Often the most potent graphics are the simplest.

### ***But Will It Be Read?***

Advertorials do not have to take up a full page. In 2016 the Columbus County Economic Development Commission in North Carolina ran a five-paragraph, half-page advertorial in Site Selection magazine. With a headline and subheadline and a single photograph, it looked like a brief editorial report.

And it shared the page with a half-page of editorial copy also about North Carolina. It is advantageous to be on the same page with editorial matter since the reader will stay on the page longer and your message gets more exposure.

The notion some advertising people have that people won't read a long copy message is a myth that has been disproven in real world testing as well, of course, in the readership of editorial articles. We will read something, however long, if it interests us. The more you tell, counsels a marketing truism, the more you sell.

Marketer Jeffrey Dobkin observes that the more time a customer spends in a store, the more likely she is to buy. And when someone spends more time with your printed message, he concludes, you can expect a similar effect. Reading advertising is quick because it often says so little. Reading an advertorial takes time.

### ***The Same Price***

Despite its simpler format as compared with advertising, it is a mistake to conclude that doing advertorial is easier than doing advertising. In advertorial you still have to sell. You just have to do it without looking like you're selling. And you have to give more careful attention to choosing the right words and content than most advertisements do.

It is desirable to include in your description of your town a shortcoming or two. Because this is something an objective journalist would do, such an inclusion will make your advertorial even more like editorial.

Plus, it adds credibility. If you are being candid about one or two ways your town falls short, you are more likely to be considered accurate when you recount your town's advantages.

Space for advertorial is available at the same price as advertising space. But it can be a lot more productive for the city or village that knows how to use it.

.....  
*John L. Gann, Jr., (citykid@uwalumni.com), President of Gann Associates (salesjobsandtaxes.com), is author of How to Evaluate and Improve Your Community's Marketing originally published by the International City/County Management Association (salesjobsandtaxes.com/eval1.html).*



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**Mike Chambers, Regional Director, Business Development**

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JOIN THE OVER 200 OML MEMBERS THAT ARE PART OF THE PEP COMMUNITY!

## PEP HAS RESOURCES TO HELP YOU:

### PEP+ GRANT

As part of PEP's loss control and risk management initiative, PEP members may apply for a grant of up to \$1,000. Funds are allocated on a first-come, first-served basis, so it's important to apply ASAP. Grants are awarded to help offset qualifying expenses covering safety items that help prevent or reduce liability claims or property losses, as well as risk control training related expenses.

### LEGAL ACCESS

When you need a lawyer's opinion for a community-related issue, put your PEP membership to work. Every authorized PEP member is eligible for up to 90 minutes of free legal consultation per year, covering issues associated with human resources, zoning, land use, open records/meetings, and more.

### ON-DEMAND RESOURCES

PEP maintains an online library, called the Resource eLibrary, which provides access to thousands of free resources to assist with members' risk management needs. The eLibrary can be accessed anytime from a desktop or mobile devices. Resources include online training, streamed videos, seminars, policies, procedures, checklists, and more.

## CALL TODAY TO LEARN MORE