

RESOLUTION NO. 17- 2021

A RESOLUTION IN SUPPORT OF H.B. NO. 361 TO PROVIDE FOR NEW REQUIREMENTS AND INCREASED PENALTIES FOR BLOCKED RAILROAD CROSSINGS; AND DECLARING AN EMERGENCY.

WHEREAS, H.B. No. 361 currently pending in the 134th General Assembly seeks to amend §§ 121.95 and 5589.99 to enact new section 5589.25 of the Revised Code to establish new requirements and increased penalties that apply to a railroad company that unlawfully blocks a railroad crossing; and

WHEREAS, H.B. No. 361 would require a railroad company to submit to the Public Utilities Commission of Ohio an incident report each time a train blocks a crossing for more than five (5) minutes to the hindrance of traffic; and

WHEREAS, H.B. No. 361 proposes a Five Thousand Dollar (\$5,000.00) fine for a first violation and Ten Thousand Dollar (\$10,000.00) fine for subsequent violations; and

WHEREAS, this issue is pertinent to the Village of Madison, as there occurs on numerous occasions blocking of the crossings on North Lake Street, Dayton, and Bates Roads causing undue hardship on the transportation of our residents as well as serious concerns for the public health and welfare by blocking emergency responders from necessary response routes; and

WHEREAS, the Council desires to express its support of amendments to Ohio law imposing these new requirements and increased penalties.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE AND STATE OF OHIO:

SECTION 1. The Council of the Village of Madison hereby express its support for H.B. No. 361 and further urges the adoption by the General Assembly of H.B. No. 361.

SECTION 2. That a copy of this Resolution be forwarded to State Senator Jerry Cirino and State Representatives Jamie Callender and Dan Troy.

SECTION 3. The Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution have been taken at open meetings of this Council; and that all deliberations of this Council and of its committees resulting in such formal action, took place in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.


SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the Village of Madison for the reason that the Village needs to timely present this Resolution to representatives who are debating House Bill 361 and; therefore, this Resolution shall take effect and be in force immediately upon its passage.



Mark V. Vest,
President of Council

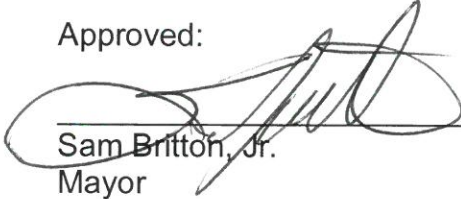
PASSED: 11-8-21

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.
Mayor

11/8/2021
Date

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 361

Representatives Hall, Miranda

**Cosponsors: Representatives Creech, Click, Weinstein, Miller, A., Johnson,
Crossman, O'Brien, Ghanbari**

A BILL

To amend sections 121.95 and 5589.99 and to enact 1
section 5589.25 of the Revised Code to establish 2
new requirements and increased penalties that 3
apply to a railroad company that unlawfully 4
blocks a railroad crossing. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.95 and 5589.99 be amended and 6
section 5589.25 of the Revised Code be enacted to read as 7
follows: 8

Sec. 121.95. (A) As used in this section, "state agency" 9
means an administrative department created under section 121.02 10
of the Revised Code, an administrative department head appointed 11
under section 121.03 of the Revised Code, and a state agency 12
organized under an administrative department or administrative 13
department head. "State agency" also includes the department of 14
education, the state lottery commission, the Ohio casino control 15
commission, the state racing commission, and the public 16
utilities commission of Ohio. Rules adopted by an otherwise 17
independent official or entity organized under a state agency 18

shall be attributed to the agency under which the official or 19
entity is organized for the purposes of this section. 20

(B) Not later than December 31, 2019, a state agency shall 21
review its existing rules to identify rules having one or more 22
regulatory restrictions that require or prohibit an action and 23
prepare a base inventory of the regulatory restrictions in its 24
existing rules. Rules that include the words "shall," "must," 25
"require," "shall not," "may not," and "prohibit" shall be 26
considered to contain regulatory restrictions. 27

(C) In the base inventory, the state agency shall indicate 28
all of the following concerning each regulatory restriction: 29

(1) A description of the regulatory restriction; 30

(2) The rule number of the rule in which the regulatory 31
restriction appears; 32

(3) The statute under which the regulatory restriction was 33
adopted; 34

(4) Whether state or federal law expressly and 35
specifically requires the agency to adopt the regulatory 36
restriction or the agency adopted the regulatory restriction 37
under the agency's general authority; 38

(5) Whether removing the regulatory restriction would 39
require a change to state or federal law, provided that removing 40
a regulatory restriction adopted under a law granting the agency 41
general authority shall be presumed not to require a change to 42
state or federal law; 43

(6) Any other information the joint committee on agency 44
rule review considers necessary. 45

(D) The state agency shall compute and state the total 46

number of regulatory restrictions indicated in the base 47
inventory, shall post the base inventory on its web site, and 48
shall electronically transmit a copy of the inventory to the 49
joint committee. The joint committee shall review the base 50
inventory, then transmit it electronically to the speaker of the 51
house of representatives and the president of the senate. 52

(E) The following types of rules or regulatory 53
restrictions are not required to be included in a state agency's 54
inventory of regulatory restrictions: 55

(1) An internal management rule; 56

(2) An emergency rule; 57

(3) A rule that state or federal law requires the state 58
agency to adopt verbatim; 59

(4) A regulatory restriction contained in materials or 60
documents incorporated by reference into a rule pursuant to 61
sections 121.71 to 121.75 of the Revised Code; 62

(5) A rule adopted pursuant to section 1347.15 of the 63
Revised Code; 64

(6) A rule concerning instant lottery games; 65

(7) A rule adopted pursuant to section 5589.25 of the 66
Revised Code; 67

(8) Any other rule that is not subject to review under 68
Chapter 106. of the Revised Code. 69

(F) Beginning on the effective date of this section and 70
ending on June 30, 2023, a state agency may not adopt a new 71
regulatory restriction unless it simultaneously removes two or 72
more other existing regulatory restrictions. The state agency 73

may not satisfy this section by merging two or more existing 74
regulatory restrictions into a single surviving regulatory 75
restriction. 76

Sec. 5589.25. (A) (1) A railroad company that violates 77
division (A) of section 5589.21 of the Revised Code shall submit 78
to the public utilities commission an incident report of the 79
violation within a time and in a manner determined in rules 80
established by the commission in accordance with division (B) of 81
this section. A railroad company shall comply with this division 82
even if the company is not charged or cited with the violation. 83

(2) By the first day of July each year, the public 84
utilities commission shall compile all incident reports 85
submitted during the prior calendar year and submit an annual 86
report to the president and minority leader of the senate and 87
the speaker and minority leader of the house of representatives. 88
The annual report shall consist of aggregated incident 89
information and shall be presented in a manner that depicts the 90
number of incident reports attributable to each railroad company 91
and the aggregate amount of time that each railroad company 92
blocked railroad crossings during the year in violation of 93
division (A) of section 5589.21 of the Revised Code. 94

(B) The public utilities commission shall adopt rules in 95
accordance with Chapter 119. of the Revised Code that specify 96
all of the following: 97

(1) The time period after an incident by which a railroad 98
company must submit an incident report in accordance with 99
division (A) of this section; 100

(2) The manner in which the railroad company must submit 101
the incident report; 102

<u>(3) The information that a railroad company must include</u>	103
<u>in each incident report, including all of the following:</u>	104
<u>(a) The date on which the incident occurred;</u>	105
<u>(b) The railroad crossing that was blocked by the railroad</u>	106
<u>company during the incident;</u>	107
<u>(c) The duration of the blocked railroad crossing and the</u>	108
<u>time the blocking began and the time the blocking concluded.</u>	109
<u>(C) A railroad company that submits an incident report in</u>	110
<u>accordance with division (A) of this section regarding a blocked</u>	111
<u>railroad crossing for which no charges, citations, or complaints</u>	112
<u>have been made or filed is not subject to the penalty</u>	113
<u>established in division (D) of section 5589.99 of the Revised</u>	114
<u>Code solely as a result of the submission of the report.</u>	115
<u>(D) Notwithstanding division (F) of section 121.95 of the</u>	116
<u>Revised Code, the public utilities commission may adopt new</u>	117
<u>regulatory restrictions pursuant to this section without</u>	118
<u>simultaneously removing two or more other existing regulatory</u>	119
<u>restrictions.</u>	120
Sec. 5589.99. (A) Whoever violates section 5589.01 of the	121
Revised Code is guilty of a misdemeanor of the third degree.	122
(B) Whoever violates section 5589.02, 5589.03, 5589.05,	123
5589.06, 5589.08, 5589.081, 5589.09, 5589.11, 5589.12, 5589.32,	124
or 5589.33 of the Revised Code is guilty of a minor misdemeanor.	125
(C) Whoever violates section 5589.07 or 5589.10 of the	126
Revised Code is guilty of a misdemeanor of the fourth degree.	127
(D) Whoever violates division (A) of section 5589.21 <u>or</u>	128
<u>division (A) of section 5589.25</u> of the Revised Code is guilty of	129
a misdemeanor of the first degree and shall be fined one <u>as</u>	130

<u>follows:</u>	131
<u>(1) For a first violation within a thirty-day period, five</u>	132
<u>thousand dollars;</u>	133
<u>(2) For any subsequent violation within a thirty-day</u>	134
<u>period, ten thousand dollars.</u>	135
(E) Whoever violates section 5589.211 of the Revised Code	136
is guilty of a misdemeanor of the first degree and shall be	137
fined five thousand dollars.	138
Section 2. That existing sections 121.95 and 5589.99 of	139
the Revised Code are hereby repealed.	140

EXHIBIT A

Written Consent of the Board of Directors in Lieu of an Annual Meeting, dated September 17, 2019

Removal and Appointment of Officers

RESOLVED, that all of the officers appointed by the Board prior to the date hereof is hereby removed from their respective offices;

FURTHER RESOLVED, that the following named persons be, and hereby are, elected to the offices of the Corporation opposite their respective names, each to serve until his/her successor is duly elected and qualified or his/her earlier resignation or removal:

Name	Title
Tuija Pohjolainen-Hiltunen	President
Paul Kimberling	Vice President, Finance & Accounting, Americas
Manuel Moreau	Director, Coagulants Manufacturing and Logistics Operations, I&W, Americas
Kelly Forrester	Director, Supply Chain Management, Americas
Michael Clark	Vice President, R&D and Technology, Americas
Jackie Whitehead	Director, Human Resources, Americas
Kasthuri Ramkumar	Treasurer
Jason Burlson	Assistant Treasurer
Susan B. Radcliffe	Vice President & Secretary
Adisty Wilson	Assistant Secretary

FURTHER RESOLVED, that the above-named officers are empowered to carry out the day-to-day business of the Corporation, subject to the direction and control of the Corporation's Board; and

FURTHER RESOLVED, that each of the officers of the Corporation be, and each of them, with full authority to act without the others, hereby is, authorized and directed to do and perform, or cause to be done and performed, all such acts, deeds, and things and to make, execute and deliver, or cause to be made, executed and delivered, all such agreement, undertakings, documents, instruments, or certificates in the name and on behalf of the Corporation or otherwise as each such officer may deem necessary or appropriate to effectuate or carry out fully the purpose and intent of the foregoing resolutions.

Signature Authority

FURTHER RESOLVED, that **Melanie Lefebvre** ("*Lefebvre*"), **Christina Imbrogno** ("*Imbrogno*"), **Gayla Walker** ("*Walker*"), **Claudine Ouellet** ("*Ouellet*") and **Claire Dessureault** ("*Dessureault*"), as authorized persons, are hereby authorized, empowered and directed, by and on behalf of the Corporation to execute and deliver in the name and on behalf of the Corporation product bids and product contracts for the sale of inorganic coagulants to municipal customers and

KEMIRA WATER SOLUTIONS, INC.
CERTIFICATE OF THE SECRETARY

As of March 23, 2020

The undersigned, Susan B. Radcliffe, hereby certifies that she is the duly elected, qualified and acting Vice President and Secretary of Kemira Water Solutions, Inc., a Delaware corporation (the "Corporation"), and the undersigned hereby further certifies that:

1. As of the date hereof, the persons named below are the duly elected and qualified officers of the Corporation holding the offices set forth opposite their respective names:

Officers	Title
Michael Cavallero	President
Paul Kimberling	Vice President, Finance & Accounting, Americas
Manuel Moreau	Vice President, Manufacturing and Logistics, Coag, I&W, NA
Kelly Forrester	Director, Supply Chain Management, Americas
Michael Clark	Vice President, R&D and Technology, Americas
Jackie Whitehead	Director, Human Resources, Americas
Kasthuri Ramkumar	Treasurer
Jason Burleson	Assistant Treasurer
Susan B. Radcliffe	Vice President & Secretary
Adisty Wilson	Assistant Secretary
Robert L. Turner, IV	Assistant Secretary

2. Attached hereto as Exhibit A is a true and correct excerpt from the resolutions adopted by the Board of Directors of the Corporation by Written Consent in Lieu of an Annual Meeting, dated September 17, 2019, which resolutions have not been in any way amended, modified, revoked or rescinded since their adoption and remain in full force and effect as of the date hereof.

3. Attached hereto as Exhibit B is a true and correct copy of the resolutions adopted by the Board of Directors of the Corporation by Written Consent in Lieu of a Special Meeting, dated January 1, 2020, which resolutions have not been in any way amended, modified, revoked or rescinded since their adoption and remain in full force and effect as of the date hereof.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of the Secretary as of the date first written above.



Susan B. Radcliffe
Vice President and Secretary

EXHIBIT B

Written Consent of the Board of Directors in Lieu of a Special Meeting, dated January 1, 2020

Resignation of Officer

NOW, THEREFORE, BE IT RESOLVED, that effective as of January 1, 2020, the resignation of Tuija Pohjolainen-Hiltunen as President of the Corporation is hereby accepted.

Appointment of Officers

FURTHER RESOLVED, that effective as of January 1, 2020, Michael Cavallero be, and hereby is, appointed as President of the Corporation to serve until his successor is duly elected and qualified or until his earlier resignation or removal;

FURTHER RESOLVED, that effective as of January 1, 2020, Robert L. Turner, IV be, and hereby is, appointed as the Assistant Secretary of the Corporation to serve until his successor is duly elected and qualified or until his earlier resignation or removal.

Signature Authority

NOW, THEREFORE, BE IT RESOLVED, that effective as of the date hereof, the signature authority granted by the Board to Melanie Lefebvre, as an authorized person, is hereby rescinded;

FURTHER RESOLVED, that effective as of the date hereof, the signature authority granted by the Board to Claudine Ouellet, as an authorized person, is hereby rescinded;

FURTHER RESOLVED, that effective as of the date hereof, the signature authority granted by the Board to Claire Dessureault, as an authorized person, is hereby rescinded;

Title Change for Officer

WHEREAS, the Board previously appointed **Manuel Moreau** ("*Moreau*") as an officer of the Corporation with the title **Director, Coagulants Manufacturing and Logistics Operations, I&W, Americas**; and

NOW, THEREFORE, BE IT RESOLVED, that effective as of January 1, 2020, Moreau's title shall be changed to **Vice President, Manufacturing and Logistics, Coag, I&W, NA** and the Board hereby ratifies, confirms and approves Moreau's appointment as an officer of the Corporation.

advanced water treatment customers for the Industry and Water Segment, excluding industrial customers for oil and gas applications.