The City Record

Official Publication of the Council of the City of Cleveland

April 12, 2024

Published weekly by the City Clerk, Clerk of Council
under authority of the Charter of the City of Cleveland

The City Record is available online at www.clevelandcitycouncil.org

Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

Table of Contents

Click on an entry below to go to that section.

Council Committee Meetings

Tuesday, April 9, 2024
9:30 a.m.

Development, Planning & Sustainability (Zoning) Committee
Present: Hairston, Chair; Santana, Vice Chair, Harsh, McCormack
Authorized Absence: Howse-Jones, Jones & Spencer

Development, Planning & Sustainability Committee
Present: Hairston, Chair; Santana, Vice Chair, Harsh, Jones, McCormack
Authorized Absence: Howse-Jones & Spencer

Wednesday, April 10, 2024
10:00 a.m.

Transportation & Mobility Committee
Present: McCormack, Chair; Slife, Vice Chair, Bishop, Gray, Kazy
Authorized Absence: Maurer & Santana

Board of Control

Wednesday, April 10, 2024

The meeting of the Board of Control convened in the Mayor's office on Wednesday, April 10, 2024, at 3:00 p.m. with Director Mark Griffin presiding.

Members Present: Director Mark Griffin, Directors Keane, Williams, Margolius, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Absent: Mayor Bibb, Directors Abonamah, Francis

Others Present: Tyson Mitchell, Director
Office of Equal Opportunity

Steven Decker, Commissioner
Division of Purchases and Supplies

Tomasz Kacki, Paralegal
Law Department

On motions, the resolutions attached were adopted, except as may be otherwise noted. There being no further business, the meeting was adjourned at 3:05 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 170-24 Adopted 4/10/24
By Director Keane

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Mr. Excavator, Inc. under Contract No. PI2023*17 for the public improvement contract of Brookside Boulevard Area Sewer Project - Phase I, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor	**Work**	**Percentage**
Newcomer Concrete Services, Inc. (Non-certified)	$150,000.00	0.00%
Fast Pace Trucking, LLC (Non-certified)	TBD	0.00%
Devils Trucking, LLC (Non-certified)	TBD	0.00%
D. Crawford Trucking, LLC (Non-certified)	TBD	0.00%
Pratt Trucking, LLC (Non-certified)	TBD	0.00%
Makupson Logistics, LLC (Non-certified)	TBD	0.00%

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 171-24 Adopted 4/10/24
By Director Keane

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking and Paving Co., Inc. under Contract No. PI2023*37 for the public improvement contract of East 97th Street Sewer Project, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor	Work	Percentage
BEP Trucking, Inc. (Non-certified)	TBD	0.00%
Five Girls Trucking LLC (Non-certified)	TBD	0.00%

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 172-24 Adopted 4/10/24
By Director Keane

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking and Paving Co., Inc. under Contract No. PI2023*50 for the public improvement contract of Pelley Drive/Marcie Drive Area Sewer Project, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor	Work	Percentage
Eastland Trucking, Inc. (Non-certified)	TBD	0.00%
AFAB Transfer LLC (Non-certified)	TBD	0.00%
BEP Trucking, Inc. (Non-certified)	TBD	0.00%
Grindstone Landscape Supply Co. (Non-certified)	TBD	0.00%
Five Girls Trucking LLC (Non-certified)	TBD	0.00%
UTR Trucking (Non-certified)	TBD	0.00%

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 173-24 Adopted 4/10/24
By Director Keane

PUBLIC IMPROVEMENT CONTRACT

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that the bid of

Noce Enterprises, Inc.

for the public improvement of 2024-A Water Main Renewal, all items, under the authority of Ordinance No. 610-2022, passed August 10, 2022, upon a unit basis for the improvement in the aggregate amount of $3,254,504.00, for the Division of Water, Department of Public Utilities, received on February 7, 2024, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

BE IT FURTHER RESOLVED that the employment of the following subcontractor by Noce Enterprises, Inc. for the above-mentioned public improvement is approved:

Subcontractor	**Work**	**Percentage**
Amroc Construction, Inc. (CSB)	$980,000.00	30.11%

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 174-24 Adopted 4/10/24
By Director Keane

PUBLIC IMPROVEMENT CONTRACT

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that all bids received on March 7, 2024, for Windows Repair and Replacement for the Division of Water, Department of Public Utilities Ordinance No. 274-2022, passed April 11, 2022, be rejected.

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 175-24 Adopted 4/10/24
By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that the bid of

Platform Cement, Inc.

for the public improvement of Cleveland Police Ordnance Unit site improvement, Base Bid Items A-C and Contingency Allowances 1-4, for the Division of Architecture and Site Development, Office of Capital Projects, received on March 13, 2024, under the authority of Ordinance No. 622-2023, passed July 12, 2023, for a gross price for the improvement in the aggregate amount of $191,400.00, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is requested to enter into contract with the bidder.

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 176-24 Adopted 4/10/24
By Director Hernandez

WHEREAS, Board of Control Resolution No. 425-23, adopted May 10, 2023, authorized the sale and development of Permanent Parcel No. 105-30-147 to Eden Reed for yard expansion, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

WHEREAS, in the fourth and sixth paragraphs, Resolution No. 425-23 incorrectly identified the proposed purchaser of the parcel to be sold as "Eden Reed"; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 425-23, adopted by this Board May 10, 2023, authorizing the sale and development of Permanent Parcel No. 105-30-147 to Eden Reed for yard expansion, is amended by substituting "Eben Reed" for "Eden Reed", where appearing in the resolution.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 425-23 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 177-24 Adopted 4/10/24
By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 129-23-020 located at 12110 Forest Avenue; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Margenta E. Miner has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 4 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcels are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Margenta E. Miner, for the sale and development of Permanent Parcel No. 129-23-020 located at 12110 Forest Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcels shall be $200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Resolution No. 178-24 Adopted 4/10/24
By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 109-18-076 located at 10725 Hathaway Avenue; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Myrah L. Payne, aka Rashidah A. Haqq has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 9 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcels are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Myrah L. Payne, aka Rashidah A. Haqq for the sale and development of Permanent Parcel No. 109-18-076 located at 10725 Hathaway A venue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcels shall be $200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Griffin, Keane, Williams, Margolius, Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Mayor Bibb, Directors Abonamah, Francis, Interim Director Drummond

Civil Service

PUBLIC NOTICE

– PLEASE BE ADVISED –

The Civil Service Commission meetings will be conducted virtually as well as broadcast live in accordance with Ohio's Open Meetings Laws and Section 101.021 of the Codified Ordinances of Cleveland, Ohio, 1976.

The public may observe meetings on YouTube Live:
https://www.youtube.com/@civilservicecommission3048.

Friday, April 12, 2024 – 8:30 a.m.
Friday, April 26, 2024 – 8:30 a.m.

Civil Service Commission
President: Pastor Gregory E. Jordan
Vice President: Michael Flickinger
Secretary: India Pierce Lee
Member: Cyrus Patton

General Counsel: Jason Shachner
General Counsel: Patty Aston

Staff
Rachon Long, Executive Director
Leeanne Guzman – Assistant to the Executive Director
Lila Abrams- Fitzpatrick – Administrative Manager
Chanine Scott-Chapman – Assistant Administrator
Patricia Donovan – Supervisor of Records
Teala Harris – Project Coordinator
Daryl Eatman – Examiner IV
Lanese Sims – Examiner III
Christopher Smith – Examiner III
Tamica Johnson-Tanner – Examiner II
Darrick McDaniel, Recruitment and Development

Report of the Board of Zoning Appeals

Monday, April 8, 2024

At the meeting of the Board of Zoning Appeals on Monday, April 8, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

Calendar No. 24-020: 660 East 185th Street
3 Black Knights LLC., owner, proposes to establish tattooing use.

Calendar No. 24-042: 3210 Franklin Boulevard
TDG Franklin North LLC., owner, proposes to construct a three-story, 29-unit apartment building in a B1 Two-Family Residential Zoning District.

The following appeals were **DENIED:** **None**

The following case was **WITHDRAWN:** **None**

The following appeals were **DISMISSED:** **None**

The following cases were **REMANDED:** **None**

The following cases were **POSTPONED:**

Calendar No. 24-038: 1055 Ivanhoe Road/Violation Notice
216 Real Estate LLC. May 13, 2025.

The following cases were heard by the Board of Zoning Appeals on Monday, April 1, 2024, and the decisions were adopted and approved on Monday, April 8, 2024:

The following appeals were **APPROVED:**

Calendar No. 24-037: 3040 Quigley Road
CVDC. LLC., owner, proposes to install approximately 3,104 linear feet of 10-feet-high perimeter plus security fence in actual front yard, actual side yard and actual rear yard in an A5 Unrestricted Industry Zoning District.

Calendar No. 24-040: 2009 West 17th Street
Hugh Fagan, owner, proposes to erect a three-story frame, L-shaped, single-family residence with front loaded attached garage in a C1 Two-Family Residential District.

Calendar No. 24-043: 13720 West Avenue (Granted conditionally)
Hugh Fagan, owner, proposes to erect a three-story frame, L-shaped, single-family residence with front loaded attached garage in a C1 Two-Family Residential District.

Calendar No. 24-044: 3024 Carroll Avenue
Timothy Diplacido, owner, proposes to erect a one-story, detached, reverse gable garage in a B1 Two-Family Residential District.

Agenda of the Board of Building Standards and Building Appeals

Wednesday, April 24, 2024 - revised

Board of Building Standards and Building Appeals
Cleveland City Hall - Room 514 or via WebEx at 9:30 a.m. EST
BBSA@clevelandohio.gov

NOTE: This is a tentative Agenda and may vary both in scope and order of presentation as time permits and circumstances warrant.

Download the WebEx Desktop App or the mobile App from the WebEx website at https://www.webex.com/downloads.html/

Instructions to enable a browser plug-in for Chrome or Firefox can be found here: https://help.webex.com/en-us/WBX77970/How-Do-I-Enable-the-Webex-Plug-in-to-Join-aMeeting-Using-Chrome-or-Firefox

For instructions to join the call you can go to here: https://help.webex.com/en-us/bksp8r/Join-a-Meeting-from-the-Webex-Meetings-Desktop-Appor-Mobile-App

Email: cdavis@clevelandohio.gov to receive the calendar invite (This invite is for testament/witness purposes only)

PUBLIC HEARINGS WILL BE STREAMED LIVE ON YOUTUBE:

https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

BUILDING:

Docket A-226-23 5404 Broadway Avenue WARD: 5 (Richard A. Starr)

Darold Alexander, Owner of the MXD Mixed Uses-Multiple Uses in One Building; Two-Story; Masonry walls/Wood floors Frame Structure, appeals from a **NOTICE OF VIOLATION – CONDEMNATION MAIN STRUCTURE** dated August 3, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-242-23 12209 Corlett Avenue WARD: 4 (Deborah A. Gray)

Field of Roses LLC, Owner of the R-2 Residential-Non-transient; Apartments (Shared Egress); Four Dwelling Units;; Two-Story Frame Structure, appeals from a

NOTICE OF VIOLATION – EXTERIOR MAINTENANCE, dated August 29, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-247-23 **8003 Cedar Avenue** **WARD: 6 (Blaine A. Griffin)**

GGW Enterprises LLC, Owner of the MXD Mixed Uses- Multiple uses in one building; Two Dwelling Units;; Two-Story; Masonry walls/Wood floors Frame Structure, appeals from a **NOTICE OF VIOLATION – FIRE DAMAGE** dated September 7, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-269-23 **12708 Larchmere Boulevard** **WARD: 6 (Blaine A. Griffin)**

Bauhaus Investments LLC, Owner of the M Mercantile-Retail shops, Carry-out Food Shops; One-Story; Masonry Frame Structure, appeals from a **NOTICE OF VIOLATION – NO PERMIT** dated September 12, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-274-23 **12701 Shaker Boulevard** **WARD: 6 (Blaine A. Griffin)**

Shaker Heights Apartment Owner LLC, Owner of the R-2 Residential-Non-transient; Apartments (Shared Egress;) High-Rise Building Frame Structure, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE** dated September 12, 2023, appellant is requesting for time to complete the abatement of the violations.

Docket A-337-23 **7812 Euclid Avenue** **WARD: 6 (Blaine A. Griffin)**

Calvary Presbyterian Church, Owner of the A-3 Assembly-Recreation or Religious Facilities; Two and a Half-Story; Masonry walls/Wood floors Frame Structure, appeals from a **NOTICE OF VIOLATION – HAZARDOUS CONDITIONS** dated September 22, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-361-23 **14921 Kinsman Road** **WARD: 1 (Joseph T. Jones)**

Johnny Waller Sr., Owner of the R-2 Residential-Non-transient; Apartments (Shared Egress) Five Dwelling Units; Two-Story Masonry Frame Structure appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE** dated September 25, 2023, appellant is requesting for time to complete the abatement of the violations.

HOUSING:

Docket A-231-23 **3855 East 147th Street** **WARD: 2**
(Kevin L. Bishop)

Alicia Allen, Owner of the One Dwelling Unit Single Family Residence; One-Story Frame Property appeals from a **NOTICE OF VIOLATION – RENTAL REGISTRATION & INTERIOR/EXTERIOR MAINTENANCE** dated September 1, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-241-23 **11218 Linnet Avenue** **WARD: 11**
(Danny Kelly)

Saeery LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two-Story Frame Property appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE** dated August 28, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-249-23 **1935 West 48th Street** **WARD: 3**
(Kerry McCormack)

Moto Capital LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two and a Half-Story Frame Property appeals from a **NOTICE OF VIOLATION – STOP WORK ORDER, & NO PERMIT** dated October 3, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-249-23 has been **WITHDRAWN** per request of the appellant.

Docket A-268-23 **9712 Elwell Avenue** **WARD: 4**
(Deborah A. Gray)

Margaret Evans, Owner of the One Dwelling Unit Single Family Residence; Two and a Half-Story Frame Property appeals from a **NOTICE OF VIOLATION – HAZARDOUS CONDITIONS** dated September 21, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-270-23 **12800 Kadel Avenue** **WARD: 11**
(Danny Kelly)

Ewais Munzir, Owner of the One Dwelling Unit Single Family Residence; One and a Half-Story Frame Property appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE & NO PERMIT** dated September 29, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-270-23 has been **WITHDRAWN** per request of the appellant.

Docket A-273-23 **1329 West 61st Street** **WARD: 15**
(Jenny Spencer)

Akron Cleveland Construction Group LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two and a Half-Story Frame Property appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE, NO PERMIT & STOP WORK ORDER** dated September 13, 2023 & October 4, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-322-23 **3865 West 16th Street** **WARD: 12 (Rebecca Maurer)**

Gary G. Habeeb, Owner of the Two Dwelling Units; Two- Family Residence; Two-Story Frame Property appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE & NO PERMIT** dated October 5, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-323-23 **16413 Laverne Avenue** **WARD: 17 (Charles J. Slife)**

Curtis A. Wolfe, Owner of the One Dwelling Unit Single Family Residence; Two and a Half-Story Masonry walls/Wood floors Frame Property appeals from a **NOTICE OF VIOLATION – HAZARDOUS CONDITIONS** dated September 20, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-413-23 **3309 East 146th Street** **WARD: 1 (Joseph T. Jones)**

A Better House LLC, Owner of the Two Dwelling Units; Two- Family Residence; Two and a Half-Story Frame Property appeals from a **NOTICE OF VIOLATION – FIRE DAMAGE** dated November 9, 2023; appellant is requesting for time to complete the abatement of the violations.

Docket A-413-23 has been **WITHDRAWN** per request of the appellant.

Adjudication Order Building:

Docket A-1-24 **966 East 146th Street** **WARD: 10**
(Anthony T. Hairston)

Famico Bibibi LLC, Owner of the Two-Story; Wood/Timber Frame Structure, appeals from **ADJUDICATION ORDER B23022994--01, 1. OBC 106.1.1 Information on construction documents, OBC 310.6 Indicate use group. OBC 310.6.1 Are residents capable of self-preservation? OBC 9093.2.8.2, OBC 903.2.8.3 R-4 use requires sprinklers throughout,** dated December 12, 2023.

Lead Building:

Docket A-243-23 **1779 East 31st Street** **WARD: 7**

(Stephanie D. Howse-Jones)

Yan Rong/Moon Mei, Owners of the R-2 Residential-Non-transient; Apartments (Shared Egress); Five Dwelling Units; Two and a Half-Story Frame Structure, appeals from a **NOTICE OF DEFICIENT LEAD INSPECTION REPORT,** dated August 29, 2023: appellant is requesting a hearing.

Lead Housing:

Docket A-244-23 **8018 Dorver Avenue** **WARD: 2**
(Kevin L. Bishop)

Keith Ford, Owner of the Two Dwelling Units; Two-Family Residenc;e Two-Story Frame Property, appeals from a **NOTICE OF DEFICIENT LEAD INSPECTION REPORT,** dated August 29, 2023; appellant is requesting a hearing.

Docket A-245-23 **15219 Utopia Avenue**
WARD: 8
(Michael D. Polensek)

Sold Simple Property Solutions LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two and a Half-Story Frame Property, appeals from a **NOTICE OF DEFICIENT LEAD INSPECTION REPORT,** dated July 13, 2023; appellant is requesting a hearing.

Permit Extension - BUILDING:

Docket A-267-23 **5019 Anson Boulevard**
WARD: 5
(Richard A. Starr)

Lora Veselsky appeals from Suspended or Abandoned work performed under the following **PERMIT(S) H20009116** issue date March 12, 2020, inspection date September 27, 2023; appellant is requesting an additional six months.

RESCHEDULED for December 4, 2024.

Permit ExtensionBUILDING: Docket A-305-23
4694 Lee Road
WARD: 1 (Joseph T. Jones)

Bertha Price appeals from Suspended or Abandoned work performed under the following **PERMIT(S) H21004119** issue date February 19, 2021, inspection date September 26, 2023; appellant is requesting an additional six months.

BRIDGE:

Docket A-309-23
44 East 81 Street Cleveland, OH AKA North of Otter City Bridge

WARD: 6
(Blaine A. Griffin)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:531 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-309-23 has been **POSTPONED.**

Docket A-310-23
45 East of 83 Cleveland, OH AKA North of Fort Avenue City Bridge

WARD: 5
(Richard A. Starr)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:532 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-310-23 has been **POSTPONED.**

Docket A-311-23
46 East 90 Cleveland, OH AKA North of Holton Avenue City Bridge

WARD: 6
(Blaine A. Griffin)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:533 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-311-23 has been **POSTPONED.**

Docket A-312-23
47 East 92 Cleveland, OH AKA South of Buckeye Road City Bridge

WARD: 4
(Deborah A. Gray)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:534 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-312-23 has been **POSTPONED.**

Docket A-313-23
48 East 92 Cleveland, OH AKA North of Holton Avenue City Bridge
WARD: 6
(Blaine A. Griffin)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:535 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-313-23 has been **POSTPONED.**

Docket A-314-23
51 Harvard Cleveland, OH AKA East of Broadway City Bridge
WARD: 12
(Rebecca Maurer)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:542 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-314-23 has been **POSTPONED.**

Docket A-315-23
52 Holton Cleveland, OH AKA At East 84 Street City Bridge
WARD: 6
(Blaine A. Griffin)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:544 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-315-23 has been **POSTPONED.**

Docket A-316-23
53 Holton Cleveland, OH West of East 90 Street City Bridge
WARD: 6

(Blaine A. Griffin)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:545 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-316-23 has been **POSTPONED.**

Docket A-317-23
54 Commerce Cleveland, OH AKA (Hough) at East 43 City Bridge
WARD: 7
(Stephanie D. Howse-Jones)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:546 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-317-23 has been **POSTPONED.**

Docket A-318-23
55 Ivanhoe Cleveland, OH AKA North of Euclid Avenue City Bridge
WARD: 10
(Anthony T. Hairston)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:547 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-318-23 has been **POSTPONED.**

Docket A-319-23
56 Lake Cleveland, OH AKA At West 89 Street City Bridge
WARD: 15
(Jenny Spencer)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:549 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-319-23 has been **POSTPONED.**

Docket A-320-23
57 Lorain Cleveland, OH AKA At West 143 Street City Bridge

WARD: 16
(Brian Kazy)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:550 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-320-23 has been **POSTPONED.**

Docket A-321-23
58 Madison Cleveland, OH AKA At West 112 Street City Bridge

WARD: 11
(Danny Kelly)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:551 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-321-23 has been **POSTPONED.**

Docket A-324-23
59 Mayfield Cleveland, OH AKA At East 117 Street City Bridge

WARD: 9
(Kevin Conwell)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:553 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-324-23 has been **POSTPONED.**

Docket A-325-23
60 McCurdy Cleveland, OH AKA North of Holton Avenue City Bridge

WARD: 6
(Blaine A. Griffin)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:554 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3).

Docket A-325-23 has been **POSTPONED.**

Docket A-326-23
63 Payne Cleveland, OH West of East 40 Street City Bridge

WARD: 7
(Stephanie D. Howse-Jones)

Norfolk Southern Railway Company, Owner of the Railroad Bridge Structure-Code 4:557 **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 29, 2023; Norfolk Southern Railway Company is requesting for the dismissal of the notice of violation, notwithstanding continues to work with the City of Cleveland to resolve the issue aside from the formal appeal (Statement of Appeal pg. 3)

Docket A-326-23 has been **POSTPONED.**

Approval of Resolutions

Docket/s:

A-236-23	Adrian Snith
A-58-24	University Circle Inc.
A-72-24	Legendary Property Solutions

Approval of Minutes

April 10, 2024

MEMO

To: Tom Vanover, Commissioner/CBO

From: Carmella Davis, Executive Secretary
Board of Building Standards and Building Appeals

Date: April 3, 2024

Subject: Request for presence at board hearing

The Board of Building Standards and Building Appeals request the presence of a representative for a Public Hearing on the following Docket/s from the Department of Building and Housing, and the presence of a representative from the Division of Fire on Wednesday, April 24, 2024, at approximately 9:30 a.m.

DOCKET NO.	ADDRESS	INSPECTOR/S
A-226-23	5404 Broadway	K. Gudat
A-1-24	966 East 146	T. Vanover
A-242-23	12209 Corlett	A. Arnold
A-243-23	1779 East 31	J. Freyermuth
A-244-23	8018 Dorver	J. Freyermuth
A-245-23	15219 Utopia	J. Freyermuth
A-247-23	8003 Cedar	K. Gudat
A-269-23	12708 Larchmere	A. Arnold
A-274-23	12701 Shaker	K. Lanum
A-337-23	7812 Euclid	A. Cvitic
A-361-23	14925 Kinsman	D. Turic
A-231-23	3855 East 147	A. Arnold
A-241-23	11218 Linnet	A. Arnold
A-268-23	9712 Elwell	M. Shockley
A-273-23	1329 West 61	S. Lang
A-322-23	3865 West 16	R. Derrett
A-323-23	16413 Laverne	C. Davis
A-305-23	4694 Lee	T. Vanover

Agenda of the Board of Building Standards and Building Appeals

Wednesday, June 5, 2024

Board of Building Standards and Building Appeals
Cleveland City Hall - Room 514 or via WebEx at 9:30 a.m. EST
BBSA@clevelandohio.gov

NOTE: This is a tentative Agenda and may vary both in scope and order of presentation as time permits and circumstances warrant.

Download the WebEx Desktop App or the mobile App from the WebEx website at https://www.webex.com/downloads.html/

Instructions to enable a browser plug-in for Chrome or Firefox can be found here: https://help.webex.com/en-us/WBX77970/How-Do-I-Enable-the-Webex-Plug-in-to-Join-aMeeting-Using-Chrome-or-Firefox

For instructions to join the call you can go to here: https://help.webex.com/en-us/bksp8r/Join-a-Meeting-from-the-Webex-Meetings-Desktop-Appor-Mobile-App

Email: cdavis@clevelandohio.gov to receive the calendar invite (This invite is for testament/witness purposes only)

PUBLIC HEARINGS WILL BE STREAMED LIVE ON YOUTUBE:

https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

HOUSING:

Docket A-99-23 3405 East 114th Street WARD: 4 (Deborah A. Gray)

Lekecia Webb, Owner of the Two Dwelling Units; Two-Family Residence; One and a Half Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE,** dated April 24, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-173-23 4120 East 155th Street WARD: 1 (Joseph T. Jones)

Keith Marable, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION –**

INTERIOR/EXTERIOR MAINTENANCE, dated July 26, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-181-23 **3331 West 119th Street** **WARD: 11**
(Danny Kelly)

Alexander Lacey, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – NO PERMIT & RENTAL REGISTRATION,** dated August 11, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-194-23 **2228 East 80th Street** **WARD: 6**
(Blaine A. Griffin)

Barry Sullivan, Owner of the One Dwelling Unit; Single-Family Residence; Two and Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 16, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-216-23 **5504 Train Avenue** **WARD: 15**
(Jenny Spencer)

Melissa/David Figueroa, Owner of the One Dwelling Unit; Single-Family Residence; One-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE,** dated July 26, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-220-23 **9902 Macon Avenue** **WARD: 15**
(Jenny Spencer)

Contessa Smeralda INC, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE** dated August 24, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-221-23 **3470 Martin Luther King Drive** **WARD: 4**
(Deborah A. Gray)

Linnette Robinson, Owner of the Two Dwelling Units; Two-Family Residence; Two and a Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated August 22, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-224-23 **15734 Puritas Avenue** **WARD: 16**
(Brian Kazy)

Marie Ondercin, Owner of the One Dwelling Unit; Single-Family Residence; One-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/ EXTERIOR MAINTENANCE,** dated August 9, 2023; appellant is requesting for time to complete abatement of the violations.

DOCKET A-224-23 has been **WITHDRAWN** per request of the appellant.

Docket A-238-23 **3482 West 49th Street** **WARD: 14**
(Jasmin Santana)

Scarletoak Acquisitions LLC, Owner of the Two Dwelling Units; Two-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE,** dated August 25, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-14-24 **3245 West 88th Street** **WARD: 14**
(Jasmin Santana)

Therence Manirakiza, Owner of the Two Dwelling Units; Two-Family Residence; Two and a Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION-GARAGE,** dated January 11, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-19-24 **15623 Pythias Avenue** **WARD: 8**
(Michael D. Polensek)

Dionne Underwood, Owner of the One Dwelling Unit; Single-Family Residence; One-Story Wood Frame/Siding/Masonry Veneer Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE,** dated January 4, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-20-24 **2807 Henninger Road** **WARD: 12**
(Rebecca Maurer)

Charles Ursitti, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE, NO PERMIT & ILLEGAL OCCUPANCY,** dated December 29, 2023; appellant is requesting for time to complete abatement of the violations.

Permit Extension:

Docket A-174-23 **6820 Kazimier Avenue** **WARD: 12**
(Rebecca Maurer)

Charles Wilson appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B22031915** issue date December 5, 2022, inspection August 10, 2023; appellant is requesting for an additional six months.

Docket A-177-23 **9615 Raymond Avenue** **WARD: 6**
(Blaine A. Griffin)

Laura Hasberry appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B22017422** issue date July 1, 2022, inspection August 14, 2023; appellant is requesting for an additional six months.

Docket A-11-24 **2208 East 81st Street** **WARD: 6**
(Blaine A. Griffin)

Leslie C. King appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B21008305, P21008895, H21008898** issue date April 13, 2021, inspection January 4, 2024; appellant is requesting for an additional six months.

Docket A-12-24 **6702 Lawnview Avenue** **WARD: 7**
(Stephanie D. Howse-Jones)

Vladmir Fabris appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B21032047** issue date November 18, 2021, inspection January 4, 2024; appellant is requesting for an additional six months.

Docket A-13-24 **908 Parkwood Drive** **WARD: 9**
(Kevin Conwell)

Shawn White appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B21017877** issue date June 29, 2021, inspection January 4, 2024; appellant is requesting for an additional six months.

Docket A-16-24 **12701 Locke Avenue** **WARD: 10**
(Anthony T. Hairston)

Troy Reeves appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B21013879** issue date June 3, 2021, inspection January 4, 2024; appellant is requesting for an additional six months.

Docket A-17-24 **1366 East 170th Street** **WARD: 10**
(Anthony T. Hairston)

Uneeda M. Calhoun appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B21018400** issue date July 7, 2021, inspection January 4, 2024; appellant is requesting for an additional six months.

Docket A-18-24 **2194 Junction Road** **WARD: 3**
(Kerry McCormack)

William Keyes Jr appeals from Suspended or Abandoned work performed under the following: **PERMIT(S) B22027114** issue date October 12, 2022, inspection January 11, 2024; appellant is requesting for an additional six months.

Approval of Resolutions

Docket/s:

A-401-23	Abundantly Blessed Endeavors LLC
A-402-23	Stockyard Studios LLC
A-403-23	Renato Tomori
A-405-23	Zachary Swann
A-407-23	Odasha Blue
A-411-23	Cara Romano
A-412-23	Colen Boone
A-2-24	Liminal LLC
A-3-24	James Ealey
A-4-24	Christie Lites Cleveland LLC
A-5-24	Robert Monroe
A-7-24	Allan Parker
A-9-24	From Grounds Up Estate LLC
A-10-24	RDJ Group LLC

Approval of Minutes

May 22, 2024

MEMO

To: Tom Vanover, Commissioner/CBO

From: Carmella Davis, Executive Secretary
Board of Building Standards and Building Appeals

Date: April 9, 2024

Subject: Request for presence at board hearing

The Board of Building Standards and Building Appeals request the presence of a representative for a Public Hearing on the following Docket/s from the Department of Building and Housing, and the presence of a representative from the Division of Fire on Wednesday, June 5, 2024, at approximately 9:30 a.m. via WebEx.

DOCKET NO.	ADDRESS	INSPECTOR/S
A-99-23	3405 East 114	A. Arnold
A-173-23	4120 East 155	D. Blazevic
A-181-23	3331 West 119	C. Gregg
A-194-23	2228 East 80	A. Arnold
A-216-23	5504 Train	R. Derrett
A-220-23	9902 Macon	C. Gregg
A-221-23	3470 MLK	K. Gudat
A-224-23	15734 Puritas	R. Derrett
A-238-23	3482 West 49	R. Derrett
A-14-24	3245 West 88	T. Barisic
A-174-23	6820 Kazimier	T. Vanover
A-177-23	9615 Raymond	T. Vanover
A-11-24	2208 East 81	T. Vanover
A-12-24	6702 Lawnview	T. Vanover
A-13-24	908 Parkwood	T. Vanover
A-16-24	12701 Locke	T. Vanover
A-17-24	1366 East 170	T. Vanover
A-18-24	2194 Junction	T. Vanover
A-19-24	15623 Pythias	Brenda McClure
A-20-24	2807 Henninger	Rhonda Derrett

Public Notice

Title: Request for Proposals for Storage of Vehicles – One Stop Non-Commercial for the Division of Police
Description: The City of Cleveland is soliciting proposals from qualified firms interested in providing storage of non-commercial vehicles – One Stop for the Cleveland Division of Police.

Opening Date/Time:	Wednesday, March 13, 2024, at 3:00 p.m.
Closing Date/Time:	Thursday, April 25, 2024, at 3:00 p.m.
Buyer Organization:	Public Safety/ Division of Police
Buyer Contact Name:	Sgt. Michael Donegan, Cleveland Division of Police
Buyer Contact Phone:	216-623-5066
Buyer Contact E-mail:	mdonegan@clevelandohio.gov
Meeting:	Yes, attendance is optional
Meeting Date/Time:	Thursday, April 11, 2024, at 2:00 p.m.
Meeting Location:	The pre-proposal meeting will be held in person in Cleveland City Hall Room 230
Documentation:	Posted to City of Cleveland website

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on Monday, April 1, 2024.

Click on a piece of legislation below to read it:

Ord. No. 29-2024	Ord. No. 317-2024
Ord. No. 162-2024	Ord. No. 318-2024
Ord. No. 190-2024	Ord. No. 319-2024
Ord. No. 231-2024	Ord. No. 374-2024
Ord. No. 233-2024	Ord. No. 388-2024
Ord. No. 260-2024	Res. No. 344-2024
Ord. No. 315-2024	Res. No. 389-2024
Ord. No. 316-2024	Res. No. 390-2024

Ordinance No. 29-2024

By Council Members: McCormack, Bishop and Griffin (by departmental request)

An emergency ordinance accepting the offer of dedication of public right-of-way and public improvements shown on the recorded plat for Moltke Court.

WHEREAS, the Mavrek Development Group ("Developer") has a recorded Final Plat for Moltke Court in the City of Cleveland, Cuyahoga County, State of Ohio in AFN 202311300646 ("Recorded Plat"); and

WHEREAS, said Recorded Plat shows a public right-of-way proposed for dedication to the City of Cleveland; and

WHEREAS, Developer's Recorded Plat is offered to the City for dedication of public right-of-way and public improvements; and

WHEREAS, a Certificate of Satisfactory Completion has been furnished by the Division of Engineering and Construction, Office of Capital Projects, indicating that through inspections and independent laboratory material testing of the public right-of-way, the design intent has been achieved; and

WHEREAS, the Developer is required under Chapter 307 – Street Dedication Regulations to submit an "as-built" survey of the public improvements within the public right-of-way; and

WHEREAS, the Developer has furnished a certified cost of the improvements valued at $346,600 and the Division of Engineering, Office of Capital Projects, has reviewed and accepted the value of the improvement for Moltke Court from West 25th Street to West 20th Street in the City of Cleveland to be within industry standards; and

WHEREAS, the Office of Capital Projects deems it in the best interest of the City of Cleveland that the offer of dedication of the public right-of-way and public improvements be accepted and the same become a part of the public street system of the City of Cleveland; and

WHEREAS, the Council of the City wishes to accept said dedication; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That dedication of public right-of-way for Moltke Court between West 25th Street and West 20th Street as shown on the Recorded Plat is accepted by the Council of the City.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 162-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts of recycled or virgin asphalt concrete, for the Division of Streets, Department of Public Works, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Works.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for requirements for a period of one year, with two one-year options to renew, exercisable by the Director of Public Works, for the necessary items of recycled or virgin asphalt concrete in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, from the fund or funds to which are credited future bonds if issued for this purpose and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RLA 2024-1)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the

Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 190-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts without competitive bidding with Custom Truck One Source, L.P., for the purchase of two grapple trucks, for the Division of Waste Collection and Disposal, Department of Public Works.

WHEREAS, under Contract No. CT-7015-PS2020-193, the Director of Public Works entered into a lease with an option to purchase a series of grapple trucks from Custom Truck One Source, L.P. ("Custom Truck") pursuant to Cleveland City Council Ordinance No. 470-2020, passed June 3, 2020; and

WHEREAS, the City desires to accept buyout offers for two of the leased grapple trucks from Custom Truck and needs additional legislative authority due to the expiration of the lease prior to Custom Truck submitting any offer to exercise the purchase options; and

WHEREAS, if the City is unable to purchase these leased grapple trucks from Custom Truck, the lead time for the purchase of new trucks would be approximately two (2) years and at a purchase price substantially greater than Custom Truck's buyout offers; and

WHEREAS, the grapple trucks are critical to continuing waste pick-up, especially the removal of illegally dumped waste in vacant lots throughout the City, and are used daily for this purpose; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Custom Truck. Therefore, the Director of Public Works is authorized to make one or more written contracts with Custom Truck for the purchase of two (2) grapple trucks, to be purchased by the Commissioner of Purchases and Supplies, on a unit basis for the Division of Waste Collection and Disposal, Department of Public Works.

Section 2. That the contract or contracts authorized shall not exceed $180,000 and shall be paid from Fund Nos. 20 SF 716, 70 SF 300, and any funds approved by the Director of Finance. (RQS 7015, RLA 2024-25)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 231-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Education for the 2024 Summer Food Service Program at Camp George Forbes; authorizing the purchase by requirement contract of breakfasts and lunches and of food, food products, beverages, condiments and paper products to implement the grant, for the Division of Recreation, Department of Public Works; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Works is authorized to apply for and accept a grant in the approximate amount of $75,000.00, from the Ohio Department of Education, to conduct the 2024 Summer Food Service Program for the purposes described in the summary; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, **File No. 231-2024-A**, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period for the necessary items of breakfasts and lunches and of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

Section 6. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 233-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. LS 2022-003 with the United States Postal Service for the lease of certain City-owned property generally located at Cleveland Hopkins International Airport, Postal Road, Building No. 220, to maintain and operate a warehouse, sorting facility and post office retail store.

WHEREAS, under the authority of Ordinance No. 543-2019, passed June 3, 2019, the Director of Port Control entered into Contract No. LS 2022-003 with the United States Postal Service for the lease of certain City-owned property generally located at Cleveland Hopkins International Airport, Postal Road, Building No. 220, to maintain and operate a warehouse, sorting facility and post office retail store; and

WHEREAS, Ordinance No. 543-2019 requires further legislation before exercising the first option to renew on this contract; and

WHEREAS, for the use of the Leased premises, the United States Postal Service shall pay the City an annual fee as specified in the contract; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. LS 2022-003 with the United States Postal Service for the lease of certain City-owned property generally located at Cleveland Hopkins International Airport, Postal Road, Building No. 220, to maintain and operate a warehouse, sorting facility and post office retail store. This ordinance constitutes the additional legislative authority required by Ordinance No. 543-2019 to exercise this option.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 260-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to enter into one or more contracts with City Architecture, Inc. for the purpose of establishing and executing a public engagement coordination program, for the Office of Capital Projects, for a period of two years.

WHEREAS, the Mayor's Office of Capital Projects released a request for proposals for the purpose of establishing and executing a public engagement coordination program, for the Office of Capital Projects, for a period of two years and selected City Architecture, Inc. from the respondents; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects is authorized to enter into one or more contracts with City Architecture, Inc. for the purpose of establishing and executing a public engagement coordination program, on the basis of its proposal dated January 20, 2023, for the Office of Capital Projects, for a period of two years.

Section 2. That under Section 108(b) of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects may sign all documents that are necessary to obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 3. That the contract or contracts shall not exceed $300,000, and shall be paid from Fund No. 01-0103-6926, RQS 0103, RL 2024-27.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 315-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of revenue refunding bonds to refund outstanding revenue bonds of the Core City Program for economic and community development in the city; authorizing a tender and/or exchange program with respect to the refunding of outstanding revenue bonds of the Core City Program and providing for the appointment of professionals and authorizing documents with respect thereto; and authorizing related matters.

WHEREAS, under authority of Sections 13 and 16 of Article VIII of the Ohio Constitution, Chapter 165 of the Ohio Revised Code, and Ordinance No. 1982-02, passed by this Council on June 10, 2003, the City established the Core City Fund Program for economic and community development projects in the City, and to provide funds for the Program the City issued revenue bonds under the Trust Indenture described in Section 1; and

WHEREAS, this Council has determined to authorize the issuance by the City of refunding bonds under the terms and conditions of this Ordinance and the Trust Indenture to refund the Outstanding Bonds identified in Section 1, or designated portions thereof; and

WHEREAS, this Ordinance constitutes an emergency measure providing for the refinancing of bonds of the City and providing for the immediate preservation of the public peace, property, health, or safety in that authorizing the refunding of the Outstanding Bonds is necessary to enable the City to respond to market conditions on a timely basis to obtain debt service savings or other advantages as described in Section 2; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. Definitions. In addition to the words and terms defined in the Trust Indenture or elsewhere in this Ordinance, including its preambles, unless the context or use clearly indicates another or different meaning or intent:

> "Bonds" means the Outstanding Bonds until provision is made for their refunding, the Refunding Bonds when issued, and any Additional Bonds outstanding under the Trust Indenture.
>
> "Certificate of Award" means the certificate authorized by Section 3, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Refunding Bonds and their amount, issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined in it.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance the security or liquidity for the Bonds.

"Municipal Advisor" means any municipal advisory firm or firms retained by the Director of Finance of the City, from time to time, pursuant to Section 13.

"Net Project Revenues" means Revenues, if any, remaining and available to pay debt charges on the Refunding Bonds after the application by the City of the Revenues to make grants or loans for additional economic development projects in the City.

"Nontax Revenues" means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt charges on the Bonds, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City's General Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

"Outstanding Bonds" means the City's Taxable Economic and Community Development Revenue Bonds (Core City Fund) issued and outstanding, from time to time, under the Trust Indenture, currently consisting of (as of the date of introduction of this Ordinance) (i) the Series 2013A Bonds, (ii) the Series 2014 Bonds, (iii) the Series 2015 Bonds, (iv) the Series 2020 Bonds and (v) the Series 2021 Bonds.

"Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Trust Indenture, and such other proceedings of the City, including the Refunding Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Refunding Bonds.

"Program Funds" means Fund Nos. 10 SF 504, 10 SF 540, 10 SF 541, 10 SF 542, 10 SF 544, 10 SF 545, 10 SF 546, 10 SF 553 and 10 SF 557 and any other funds created pursuant to the issuance of Additional Bonds that may be used for the repayment of costs as set forth in this Ordinance.

"Refunding Bonds" means the Refunding Bonds authorized by this Ordinance.

"Revenues" means the rentals, revenues, payments, repayments, income, charges, and moneys derived or to be derived from the use, lease, sublease, rental, sale, including installment sale or conditional sale, or other disposition of individual Projects, or derived or to be derived from a loan made for a Project.

"Series 2013 Bonds" means the City's Taxable Economic and Community Development Refunding Revenue Bonds (Core City Fund) issued on May 30, 2013, in the original principal amount of $25,360,000.

"Series 2014 Bonds" means the City's Taxable Economic and Community Development Refunding Revenue Bonds (Core City Fund) issued on September 4, 2014, in the original principal amount of $12,365,000.

"Series 2015 Bonds" means the City's Taxable Economic and Community Development Revenue Bonds (Core City Fund) issued on April 9, 2015, in the original principal amount of $15,280,000.

"Series 2020 Bonds" means the City's Taxable Economic and Community Development Revenue Bonds, Series 2020 (Core City Fund) issued on October 9, 2020, in the original principal amount of $2,050,000.

"Series 2021 Bonds" means the City's Taxable Economic and Community Development Revenue Bonds, Series 2021 (Core City Fund) issued on November 17, 2021, in the original principal amount of $13,210,000.

"Supplemental Trust Indenture" means an agreement between the City and the Trustee supplemental to the Trust Indenture.

"Trust Indenture" means the Trust Indenture dated as of December 15, 2003, as supplemented and amended by the First Supplemental Trust Indenture dated as of November 1, 2004; the Second Supplemental Trust Indenture dated as of July 1, 2008; the Third Supplemental Trust Indenture dated as of January 1, 2010; the Fourth Supplemental Trust Indenture dated as of May 1, 2013, as amended by the First Amendment dated as of May 1, 2018; the Fifth Supplemental Trust Indenture dated as of September 1, 2014; the Sixth Supplemental Trust Indenture dated as of April 1, 2015; the Seventh Supplemental Trust Indenture dated as of October 1, 2020; and the Eighth Supplemental Trust Indenture dated as of November 17, 2021, each between the City and the Trustee, and as it may be further supplemented and amended from time to time or as it may be amended and restated as authorized herein.

"Trustee" means the bank or trust company at the time serving as Trustee under the Trust Indenture, presently U.S. Bank Trust Company, National Association.

Unless otherwise indicated, any reference to a Section is a reference to a Section of this Ordinance.

Section 2. Authorized Principal Amount and Purpose. This Council finds and determines that it is necessary and proper and in the best interests of the City to authorize the issuance of Refunding Bonds as Additional Bonds under the Trust Indenture, subject to satisfaction of the requirements of Section 165.07 of the Ohio Revised Code, for the purpose of refunding one or more series of Outstanding Bonds, or designated portions thereof, to obtain debt service savings or to obtain a more favorable debt service schedule, or to eliminate or modify covenants in agreements securing Outstanding Bonds that are unduly restrictive, or to eliminate or modify burdensome reserve requirements, or, in the case of Outstanding Bonds that are variable rate bonds, to stabilize interest rates or to minimize risks of increased interest expense on those Bonds, including costs associated with related Credit Support Instruments. The principal amount of the Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 3 and shall be the amount determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be necessary (i) to refund the Outstanding Bonds being refunded, (ii) to fund any deposit to the Bond Reserve Fund, (iii) to pay costs of any Credit Support Instruments, and (iv) to pay costs of issuing the Refunding Bonds and refunding the Outstanding Bonds being refunded. The proceeds from the sale of the Refunding Bonds shall be deposited and applied as provided in the Supplemental Trust Indenture for the Refunding Bonds and for the purposes stated in this Ordinance, and those proceeds are appropriated for those purposes.

To the extent it is determined to be financially beneficial to the City by the Director of Finance, based on the written advice of a Municipal Advisor, the City is authorized to undertake a tender and/or exchange program established in connection with the refunding of any of the Outstanding Bonds pursuant to this Section 2 (the "Tender and/or Exchange Program") under which the City would offer to purchase all or portions of Outstanding Bonds for cash funded from the proceeds of the Refunding Bonds and any other available moneys and/or in exchange for Refunding Bonds or, with or without cash from the proceeds of the Refunding Bonds and any other available moneys, by an exchange of Refunding Bonds for Outstanding Bonds. The Director of Finance is hereby authorized to take all actions with respect to the Tender and/or Exchange Program, including (1) the determination of the terms of, and which Outstanding Bonds would be subject to, the Tender and/or Exchange Program, (2) the appointment of necessary professionals, including without limitation one or more dealer managers and/or tender and exchange agents, which may be appointed from among the Original Purchaser (as defined below), and an information agent, and (3) after consultation with the bond counsel, to approve the form of and distribution of an offer to tender and exchange and the forms of and to execute and deliver all necessary documents in connection with the Tender and/or Exchange Program, the execution and delivery of such documents to be conclusive evidence of the approval of such documents.

Section 3. Terms of Refunding Bonds. The final terms of the Refunding Bonds shall be set forth in a written certificate to be signed and delivered by the Director of Finance upon the sale of the Refunding Bonds upon terms and conditions consistent with this Ordinance and that in his opinion, based on the written advice of a Municipal Advisor, are in the best interests of the City (the "Certificate of Award"). The Refunding Bonds shall be dated the date of issuance or such other date as is designated in the Certificate of Award. The Refunding Bonds shall mature on the dates and in the respective principal amounts determined in the Certificate of Award, provided that the final maturity date shall be not later than 30 years from the date of issuance of the

Refunding Bonds. The Refunding Bonds shall bear interest from their date at the rate or rates per year set forth in the Certificate of Award, or if any Refunding Bonds bear interest at a variable rate, at the rate determined from time to time pursuant to the method identified in the Certificate of Award and set forth in the Trust Indenture, and the Refunding Bonds shall bear interest at those rates until the principal amount of the Refunding Bonds is paid or payment is provided for. Interest on the Refunding Bonds shall be payable on the dates determined or provided for in the Certificate of Award and the Trust Indenture. If any Refunding Bonds bear interest at a fixed rate, that rate shall not exceed eight percent (8%) per year. If any Refunding Bonds bear interest at a variable rate or rates, those rates shall not exceed that set forth below.

In the event that the Director of Finance, based on the written advice of a Municipal Advisor, determines that the City's best interests will be served by causing all or a portion of the Refunding Bonds to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Refunding Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Refunding Bonds shall not bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). Holders of variable rate Refunding Bonds may be given the right to tender their variable rate Refunding Bonds for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and the Trust Indenture. If the Director of Finance designates any Refunding Bonds as variable rate Refunding Bonds, and if the holders of the variable rate Refunding Bonds are to be entitled to tender the variable rate Refunding Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Refunding Bonds the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Municipal Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Refunding Bonds, and from time to time thereafter so long as the variable rate Refunding Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents, and others as may be determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Refunding Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance shall further determine and specify in the Certificate of Award whether any of the Refunding Bonds are subject to optional redemption prior to maturity, the earliest date on which redeemable Refunding Bonds shall be subject to prior redemption, and the applicable redemption premium for the redeemable Refunding Bonds. The Refunding Bonds may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the Trust Indenture. In addition, the Director of Finance shall determine whether the refunding of the Outstanding Bonds will be accomplished through a Tender and/or Exchange Program.

Section 4. Form; Exchange; Execution. The Refunding Bonds shall be issued in fully registered form. The Refunding Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Trust Indenture. The principal and any redemption premium and the interest payable on each Refunding Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Trust Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository. The Refunding Bonds shall be signed by the persons and in the manner set forth in the Trust Indenture. The Refunding Bonds shall be numbered as determined by the Director of Finance.

Section 5. Sale of Refunding Bonds. The Refunding Bonds shall be sold at not less than (i) 97% of par plus aggregate original issue premium and minus aggregate original issue discount plus (ii) accrued interest at private sale by the Director of Finance to one or more financial institutions selected by the Director of Finance based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds (collectively, the "Original Purchaser") in accordance with law, the provisions of this Ordinance and the Certificate of Award. The Director of Finance shall cause the Refunding Bonds to be prepared, and have the Refunding Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Refunding Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a bond purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), containing terms consistent with this Ordinance and that are determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be customary for revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the official statement of the City described in Section 11. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Refunding Bonds to the extent available and then from the Program Funds or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 6. Security for the Refunding Bonds. The Refunding Bonds shall be special obligations of the City, and the debt charges on the Refunding Bonds shall be payable solely from the Net Project Revenues and the Nontax Revenues. The payment of debt charges on the Refunding Bonds is secured by a pledge of and lien on the Bond Fund held by the Trustee under the Trust Indenture and by any reserve fund for which provision is made in the Trust Indenture. The Refunding Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Refunding Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges thereon. The Refunding Bonds shall contain a statement to that effect and to the effect that the Refunding Bonds are payable solely from the Net Project Revenues and the Nontax Revenues and are not secured by an obligation or pledge of any money raised by taxation.

The City covenants and agrees that while the Refunding Bonds are outstanding, it will appropriate and maintain Nontax Revenues at such times and in such amounts as will be sufficient, together with the Net Project Revenues and any other funds available for the purpose, to pay the debt charges on the Bonds and will so restrict other obligations payable from Nontax Revenues prior to or on a parity with the Bonds as will ensure the continuing availability for appropriation of sufficient Nontax Revenues to pay debt charges when due.

Section 7. Payment of Debt Charges on the Refunding Bonds. Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Refunding Bonds any funds or revenues from any source other than Net Project Revenues and the Nontax Revenues. Subject to the requirements of Revised Code Section 176.04, nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Refunding Bonds.

The City will, solely from the proceeds of the Refunding Bonds or from the Net Project Revenues or the Nontax Revenues, pay or cause to be paid the debt charges on the Refunding Bonds on the dates, at the places and in the manner provided herein and in the Refunding Bonds. For that purpose, in each year while the Refunding Bonds are outstanding, this Council, after providing for the payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate Nontax Revenues required to pay, and for the purpose of paying, the debt charges due in that year on the Bonds (less other money available for the purpose) and any outstanding parity obligations payable from Nontax Revenues. Further, this Council will give effect to such appropriations in all Ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt charges. The City covenants that, so long as any of the Refunding Bonds are outstanding, it shall not issue any additional obligations payable from the Nontax Revenues on a parity with the Bonds and any other outstanding parity obligations payable from Nontax Revenues, unless, prior to passage of the Ordinance authorizing such parity obligations, the Director of Finance shall have certified to this Council that the Nontax Revenues during the preceding calendar year, adjusted to reflect, if necessary, changes in the rates or charges resulting in the Nontax Revenues, aggregate in amount not less than 100% of the highest amount of (a) debt charges on the Bonds and (b) required payments on such proposed parity obligations and any other outstanding parity obligations due in any succeeding calendar year.

Each obligation of the City required to be undertaken pursuant to this Ordinance and the Refunding Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation, as a duty of the City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Revised Code, providing for enforcement by writ of mandamus.

Section 8. Authorization of Supplemental Trust Indentures. The Director of Finance is authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the holders of the Refunding Bonds, one or more Supplemental Trust Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance or the Certificate of Award, and not substantially adverse to the City as may be approved by the Director of Finance. The determination by the Director of Finance that a Supplemental Trust Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Trust Indenture by the Director of Finance. Any Supplemental Trust Indenture may contain amendments to the Trust Indenture, as theretofor amended, or amend and restate the Trust Indenture, to permit the City to obtain a Credit Support Instrument, or to permit increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be in the best interests of the City.

Section 9. Refunding of Outstanding Bonds; Escrow Agreement. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an escrow agreement between the City and the Trustee, as escrow trustee, providing for, among other matters: the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of any Outstanding Bonds, or any portions thereof; the application of the moneys derived from those investments to the payment of the debt service charges on such Outstanding Bonds; and the irrevocable call for redemption of such Outstanding Bonds. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Refunding Bonds to the extent available and then from Program Funds or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under the Trust Indenture. The Director of Finance and other appropriate City officials shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Trust Indenture and to cause such series of Outstanding Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

Section 10. Conversion and Remarketing. In the event that the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is advantageous to the City to convert the interest on any Series 2013A Bonds to fixed interest rates for a period of time or to maturity, or to convert the interest on any Series 2013A Bonds to a different variable rate period or mode, the City shall undertake the conversion and remarketing in accordance with the Trust Indenture. In connection with any conversion and remarketing of Series 2013A Bonds, the Director of Finance is authorized to obtain one or more Credit Support Instruments if the Director determines, based on the written advice of a Municipal Advisor, that the Credit Support Instrument will facilitate the remarketing of the Series 2013A Bonds. In the event the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is necessary to supplement or amend the Trust Indenture or any Supplemental Trust Indenture in order to address current market conditions or to permit the use of a Credit Support Instrument or to otherwise obtain financing arrangements advantageous to the City, the Director of Finance is authorized to sign and deliver an amendment of the Trust Indenture or Supplemental Trust Indenture, or an amended and restated Trust Indenture or Supplemental Trust Indenture, approved as to form by the Director of Law. The costs of any conversion and remarketing of the Series 2013A Bonds may be paid, as determined by the Director of Finance, from the Program Funds or, to the extent available, from Fund 01 SF 001 and remarketing proceeds, or from other money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance is authorized to prepare one or more disclosure documents in connection with any conversion and remarketing under the same terms and conditions as set forth in Section 11 of this Ordinance with respect to Refunding Bonds. The Director of Finance and other City officials are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Law and other City officials, as appropriate, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the conversion and remarketing of any Bonds and to take all actions necessary to effect the conversion and remarketing of any Bonds under the terms of this Ordinance and the Trust Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Trustee a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the conversion and remarketing of any Bonds along with such information for the records as is necessary to determine the validity of the conversion and remarketing.

Section 11. Official Statements; Continuing Disclosure. The Director of Finance is authorized, on behalf of the City and in his official capacity, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of the Refunding Bonds, and (ii) determine, and certify or otherwise represent, when the preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of a preliminary official statement is authorized and approved.

The Director of Finance is also authorized, on behalf of the City and in her official capacity, to complete the preliminary official statement with such modifications, changes and supplements as the Director of Finance shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b) (3) and (4). The Director of Finance is further authorized to use and distribute, or authorize the use and distribution of, a final official statement and supplements thereto in connection with the original issuance of the Refunding Bonds as may, in his judgment, be necessary or appropriate. The Director of Finance is further authorized to sign and deliver, on behalf of the City and in his official capacity, a final official statement and such certificates in connection with the accuracy of the preliminary official statement and the final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Refunding Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 12. Ratings; Credit Enhancement. If, in the judgment of the Director of Finance, based on written advice of a Municipal Advisor, the filing of an application for a rating on the Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Outstanding Bonds bearing interest at variable rates or for the Refunding Bonds if he determines, based on the written advice of a Municipal Advisor, that the Credit Support Instruments will result in debt service savings to the City, or will stabilize interest rates on those Bonds or will minimize the risk of increased interest expense on those Bonds. The cost of obtaining each rating and each Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Refunding Bonds or the Program Funds or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance.

Section 13. Municipal Advisor. The Director of Finance may obtain the services of one or more Municipal Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any Municipal Advisor so retained. Any Municipal Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters and any other party interested in the transaction.

Section 14. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 15. Severability. Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

Section 16. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Bonds or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, Trust Indentures or other agreements or contracts made or entered into by the City.

Section 17. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council. This Council further finds and determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

Section 18. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 19. Sunset of Authorization. The authority granted by this Ordinance shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to those Refunding Bonds. The Director of Finance shall notify the Chair of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 20. Emergency. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 316-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of one or more series of General Obligation Refunding Bonds to refund currently outstanding general obligation bonds of the City to obtain debt service savings or restructure the City's outstanding debt; authorizing a tender and/or exchange program with respect to the General Obligation Refunding Bonds and providing for the appointment of professionals and authorizing documents with respect thereto; and authorizing and approving related matters.

WHEREAS, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of $395,640,000; and

WHEREAS, this Council has determined to authorize the City to issue one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings or restructuring the City's outstanding debt with respect to any currently outstanding general obligation bonds of the City; and

WHEREAS, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of each of the applicable Projects (as defined below) was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each such Project is December 31 of the years determined by the Director of Finance for each Project based on each Project's estimated life or usefulness; and

WHEREAS, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed May 6, 1983 and Ordinance No. 944-96, passed June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

WHEREAS, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings or to restructure its outstanding debt service obligations and thereby to protect and preserve the credit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. Purpose. One or more series of general obligation refunding bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the City's outstanding general obligation bonds, or designated maturities thereof, issued to provide funds to pay costs of various projects of the City (the "Projects") or to pay costs of final judgments, including settlement claims approved by a court (the "Final Judgments"), and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that either the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Municipal Advisor (as defined in Section 13) to be in the best interest of the City.

The aggregate principal amount of each respective series of Refunding Bonds to be issued under this Ordinance shall be in an amount determined by the Director of Finance and set forth in the Certificate of Award as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Refunding Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds. The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Ordinance and either the aggregate net present value debt service savings to the City resulting from each series of Refunding Bonds is not less than 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined to be necessary by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Municipal Advisor to be in the best interests of the City. Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award may be delivered for each series.

To the extent it is determined to be financially beneficial to the City by the Director of Finance, based on the written advice of a Municipal Advisor, the City is authorized to undertake a tender and/or exchange program established in connection with the refunding of any of the outstanding general obligation bonds pursuant to this Section 1 (the "Tender and/or Exchange Program") under which the City would offer to purchase all or portions of outstanding general obligation bonds for cash funded from the proceeds of the Refunding Bonds and any other available moneys and/or in exchange for Refunding Bonds or, with or without cash from the proceeds of the Refunding Bonds and any other available moneys, by an exchange of Refunding Bonds for outstanding general obligation bonds. The Director of Finance is hereby authorized to take all actions with respect to the Tender and/or Exchange Program, including (1) the determination of the terms of, and which outstanding general obligation bonds would be subject to, the Tender and/or Exchange Program, (2) the appointment of necessary professionals, including without limitation one or more dealer managers and/or tender and exchange agents, which may be appointed from among the Original Purchaser, and an information agent, and (3) after consultation with the bond counsel, to approve the form of and distribution of an offer to tender and exchange and the forms of and to execute and deliver all necessary documents in connection with the Tender and/or Exchange Program, the execution and delivery of such documents to be conclusive evidence of the approval of such documents.

Section 2. Authority and Terms. The Refunding Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of $5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance. The Refunding Bonds shall be issuable as either bonds the interest on which is (i) excluded from gross income for federal income tax purposes (the "Tax-Exempt Refunding Bonds"), or (ii) included as gross income for federal income tax purposes (the "Taxable Refunding Bonds"). The Director of Finance shall determine the status of any series of Refunding Bonds as Tax-Exempt Refunding Bonds or as Taxable Refunding Bonds (the "Tax Status"), and shall designate the applicable series of Refunding Bonds as such in the Certificate of Award.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 8% per year. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

The Refunding Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on (i) the written advice of a Municipal Advisor to be in the best interests of the City given market conditions at the time the Refunding Bonds are sold and (ii) the objectives of the plan of refunding to either obtain aggregate net present value debt service savings of not less than 3% or restructure outstanding debt of the City.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Refunding Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Refunding Bonds that is allocable to each Project or to Final Judgments, and the principal amount of Refunding Bonds allocated to each Project or to Final Judgments that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Refunding Bonds allocable to a Project or to Final Judgments shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project or to Final Judgments, taking into account any funds other than the proceeds of the Refunding Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Refunding Bonds allocated to a Project or to Final Judgments shall be payable later than the maximum maturity for that portion of the Refunding Bonds as certified by the Director of Finance.

The Refunding Bonds stated to mature in any year may be issued as term bonds (the "Term Refunding Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Refunding Bonds shall be issued as Term Refunding Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Refunding Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Refunding Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Refunding Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Refunding Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3 hereof) for cancellation Term Refunding Bonds in any aggregate principal amount and to receive a credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Refunding Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then-current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Refunding Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Refunding Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Refunding Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of $5,000, on the optional redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a Municipal Advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Refunding Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Refunding Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Refunding Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Refunding Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Refunding Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Refunding Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date, funds sufficient to redeem at the redemption price, all of the redeemable Refunding Bonds for which notice of redemption has been given.

(c) Purchase in Lieu of Redemption. If and to the extent provided in the Certificate of Award, the City may elect to purchase Refunding Bonds called for optional redemption in lieu of redeeming those Refunding Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Refunding Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Refunding Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Refunding Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of $5,000 or integral multiples of $5,000. Any Refunding Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Refunding Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Refunding Bonds on the redemption date if the Refunding Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Refunding Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase Refunding Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Refunding Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Refunding Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Refunding Bonds and in accordance with the provisions of this Ordinance.

(d) Partial Redemption or Purchase. If fewer than all of the outstanding Refunding Bonds are called for redemption at one time (whether for redemption or purchase in lieu or redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Refunding Bonds of a single maturity are to be redeemed or purchased in lieu or redemption, the selection of Refunding Bonds to be redeemed or purchased, or portions thereof in amounts of $5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Refunding Bonds by lot when Refunding Bonds of denominations greater than $5,000 are then outstanding, each $5,000 unit of principal thereof shall be treated as though it were a separate Refunding Bond of the denomination of $5,000. If it is determined that one or more, but not all of the $5,000 units of principal amount represented by a Refunding Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Refunding Bond shall surrender the Refunding Bond to the Registrar (i) for payment of the redemption or purchase price of the $5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Refunding Bond or Refunding Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased, and bearing interest at the same rate and maturing on the same date as, the Refunding Bond surrendered.

(e) Notice of Redemption. The notice of the call for redemption of Refunding Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Refunding Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Refunding Bond subject to redemption in whole or in part at the registered owner's address shown on the Register (as defined in Section 3) maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any Credit Support Instrument (as defined in Section 12 hereof) for the Refunding Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Refunding Bond, however, shall not affect the validity of the proceedings for the redemption of any Refunding Bond. Any notice of redemption of any Refunding Bonds may specify that the redemption is contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in an amount sufficient to pay the redemption price of the Refunding Bonds that are to be redeemed.

(f) Payment of Redeemed Refunding Bonds. Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the redemption price, the Refunding Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Refunding Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Refunding Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Refunding Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Refunding Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Refunding Bonds.

The debt charges on the Refunding Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Refunding Bonds at the principal corporate trust office of the Registrar. Interest on a Refunding Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Refunding Bond was registered, and to that person's address appearing, on the Register at the close of business on the date provided in the Registrar Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Refunding Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Refunding Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of Refunding Bonds issued under the General Bond Ordinance), will apply to the Refunding Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Refunding Bonds; Exchange and Transfer of the Refunding Bonds; Paying Agents. The Refunding Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Refunding Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Refunding Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Revised Code Section 133.27 and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Refunding Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Refunding Bonds and shall endorse thereon his approval of the form thereof by his manual or facsimile signature.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunding Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Refunding Bonds so long as the Refunding Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Registrar Agreement") approved as to form by the Director of Law, containing terms that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. Payment for the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement shall be made from the proceeds of the Refunding Bonds, to the extent available, and then from other money lawfully available and appropriated for that purpose.

So long as any of the Refunding Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Refunding Bonds as provided in this Section (the "Register"). Subject to the provisions of Section 4, the person in whose name a Refunding Bond is registered on the Register shall be regarded as the absolute owner of that Refunding Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Refunding Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Refunding Bond, including interest, to the extent of the amount or amounts so paid.

Any Refunding Bond may be exchanged for Refunding Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Refunding Bond may be transferred only on the Register upon presentation and surrender of the Refunding Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Refunding Bond or Refunding Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Refunding Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the City. In all cases of Refunding Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Refunding Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Refunding Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Refunding Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Refunding Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Refunding Bonds and the principal of and interest on the Refunding Bonds may be transferred only through a book entry, and (ii) physical Refunding Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Refunding Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Refunding Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in bonds or the principal and interest, and to effect transfers of bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Refunding Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Refunding Bonds may be issued in the form of a single, fully registered Refunding Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Refunding Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Refunding Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Refunding Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Refunding Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver Refunding Bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Refunding Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Refunding Bonds. The Refunding Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Refunding Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Refunding Bonds in accordance with law, the provisions of this Ordinance, the written advice of the Municipal Advisor retained under authority of Section 13 and the Original Purchaser's offer to purchase the Refunding Bonds, including: the principal amount of the Refunding Bonds, the Tax Status of the Refunding Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Refunding Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Refunding Bonds (if different from those set forth in Section 2), whether the refunding of the outstanding general obligation bonds will be accomplished through a Tender and/or Exchange Program and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedure, and conditions for the delivery of the Refunding Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Refunding Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Refunding Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Refunding Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Refunding Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City that Official Statement and any supplements. The Director of Finance is authorized to sign and deliver, on behalf of the City, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in the Director's judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Refunding Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Refunding Bonds promptly when and as the same falls due, and also to provide for the discharge of the Refunding Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Refunding Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Refunding Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Refunding Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Refunding Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Refunding Bonds.

Section 6. Application of Proceeds; Notice of Redemption of Refunding Bonds. Pursuant to Revised Code Section 133.34, the General Bond Ordinance and this Ordinance, the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds shall be deposited in a separate bank account within the Unvoted Refunding Bond and Note Redemption Account of the Sinking Fund held by The Huntington National Bank, Cleveland, Ohio, as Escrow Agent, in accordance with Section 179.08 of the Codified Ordinances of the City and the Escrow Agreement described below, and shall be applied to the payment of debt service charges on the Refunding Bonds from and after the date of issuance of the Refunding Bonds to and including their respective maturity or prior redemption dates. The amount to be deposited in the Escrow Fund shall be determined by the Director of Finance in the Certificate of Award and shall be the amount necessary, together with money in the Unvoted Tax Supported Obligations Account of the Sinking Fund available for the purpose, to provide for the refunding of the Refunded Bonds. Any transfer to the Escrow Fund of any money currently on deposit in the Unvoted Tax Supported Obligations Account and determined by the Director of Finance to be available for payment of the Refunding Bonds, is authorized by this Ordinance.

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of the principal of, and any redemption premium and interest on, the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

Pursuant to Revised Code Chapter 133 and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest received from the sale of the Refunding Bonds and any original issue premium in excess of the amount deposited with the Escrow Agent under the Escrow Agreement to accomplish the refunding of the Refunded Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of interest on the Refunding Bonds. The proceeds of the Refunding Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 12 shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Refunding Bonds to be used to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance is authorized to obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. The Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Refunding Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 7. General Obligation. The Refunding Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Refunding Bonds, the City hereby determines, declares, warrants and covenants that the Refunding Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Refunding Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Refunding Bonds, or there shall otherwise be paid to the holders of the outstanding Refunding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Refunding Bonds. Outstanding Refunding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Refunding Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Refunding Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Refunding Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Refunding Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City that are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Refunding Bonds authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Refunding Bonds authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Refunding Bonds of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 10. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 11. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Tax-Exempt Refunding Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Refunding Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Tax-Exempt Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Tax-Exempt Refunding Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Refunding Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Refunding Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Tax-Exempt Refunding Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Refunding Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Refunding Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Refunding Bonds.

Section 12. Credit Facilities and Ratings. If, in the judgment of the Director of Finance, based on the written advice of a Municipal Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Municipal Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds appropriated for that purpose.

Section 13. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal advisors (the "Municipal Advisor"), from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. Any such Municipal Advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any Municipal Advisor so retained. Any Municipal Advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchaser and any other party interested in the transaction. Any references to "financial advisor" in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Refunding Bonds authorized in this Ordinance) shall have the same meaning as "Municipal Advisor" as used in this Ordinance.

Section 14. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 15. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Refunding Bonds. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 16. Delivery to County. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the Cuyahoga County Fiscal Officer and to secure a receipt therefor.

Section 17. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 18. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 19. Sunset of Authorization. The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 20. Emergency Measure. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 317-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of one or more series of Subordinate Lien Income Tax Refunding Bonds to refund currently outstanding general obligation and subordinate lien income tax bonds of the city to obtain debt service savings or restructure the City's outstanding debt; authorizing a tender and/or exchange program with respect to the Subordinate Lien Income Tax Refunding Bonds and providing for the appointment of professionals and authorizing documents with respect thereto; and authorizing and approving related matters.

WHEREAS, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of $395,640,000 and issued subordinate lien income tax bonds in various series and subseries that are currently outstanding in the aggregate principal amount of $360,000,000; and

WHEREAS, this Council has determined to authorize the City to issue from time to time one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings or restructuring the City's outstanding debt with respect to any currently outstanding general obligation and subordinate lien income tax bonds of the City; and

WHEREAS, the Refunding Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

WHEREAS, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of each of the Projects (as defined below) was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each of the Projects financed by the original Bonds to be refunded is December 31 of the years determined by the Director of Finance for each Project based on each Project's estimated life or usefulness; and

WHEREAS, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings or to restructure its outstanding debt service obligations and thereby to protect and preserve the credit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. Purpose. One or more series of subordinate lien income tax bonds of the City ("Refunding Bonds") are authorized to be issued from time to time for the purpose of refunding one or more series of the City's outstanding general obligation bonds and subordinate lien income tax bonds, or designated maturities thereof, issued to provide funds to pay costs of various projects of the City (the "Projects") or to pay costs of final judgments, including settlement claims approved by a court (the "Final Judgments"), and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that either the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Municipal Advisor (as defined in Section 12) to be in the best interest of the City.

The aggregate principal amount of each respective series of Refunding Bonds to be issued under this Ordinance shall be in an amount determined by the Director of Finance and set forth in the Certificate of Award as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Refunding Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds. The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Ordinance and either the aggregate net present value debt service savings to the City resulting from each series of Refunding Bonds is not less than three 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined to be necessary by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Municipal Advisor to be in the best interests of the City. Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award may be delivered for each series.

To the extent it is determined to be financially beneficial to the City by the Director of Finance, based on the written advice of a Municipal Advisor, the City is authorized to undertake a tender and/or exchange program established in connection with the refunding of any of the outstanding general obligation bonds and subordinate lien income tax bonds pursuant to this Section 1 (the "Tender and/or Exchange Program") under which the City would offer to purchase all or portions of outstanding general obligation bonds and subordinate lien income tax bonds for cash funded from the proceeds of the Refunding Bonds and any other available moneys and/or in exchange for Refunding Bonds or, with or without cash from the proceeds of the Refunding Bonds and any other available moneys, by an exchange of Refunding Bonds for outstanding general obligation bonds and subordinate lien income tax bonds. The Director of Finance is hereby authorized to take all actions with respect to the Tender and/or

Exchange Program, including (1) the determination of the terms of, and which outstanding general obligation bonds and subordinate lien income tax bonds would be subject to, the Tender and/or Exchange Program, (2) the appointment of necessary professionals, including without limitation one or more dealer managers and/or tender and exchange agents, which may be appointed from among the Original Purchaser, and an information agent, and (3) after consultation with the bond counsel, to approve the form of and distribution of an offer to tender and exchange and the forms of and to execute and deliver all necessary documents in connection with the Tender and/or Exchange Program, the execution and delivery of such documents to be conclusive evidence of the approval of such documents.

Section 2. Authority, Security and Source of Payment. The Refunding Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Refunding Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Refunding Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Refunding Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank Trust Company, National Association, as successor trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures two series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on April 9, 2015 (collectively, the "Series 2015A Bonds"), five series of Subordinate Lien Income Tax Refunding Bonds issued on September 16, 2015 (collectively, the "Series 2015B Bonds"), five series of Subordinate Lien Income Tax Bonds issued on June 13, 2017 (collectively, the "Series 2017A Bonds"), two series of Subordinate Lien Income Tax Refunding Bonds issued on December 28, 2017 (collectively, the "Series 2017B Bonds"), one series of Subordinate Lien Income Tax Refunding Bonds issued on July 19, 2018 (the "Series 2018 Bonds"), three series of Subordinate Lien Income Tax Refunding Bonds issued on February 26, 2020 (collectively, the "Series 2020 Bonds") and four series of Subordinate Lien Income Tax Refunding Bonds issued on September 22, 2021 (collectively, the "Series 2021 Bonds"), and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2010 Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2017A Bonds, the Series 2017B Bonds, the Series 2018

Bonds, the Series 2020 Bonds, the Series 2021 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

Section 3. **Terms.** The Refunding Bonds may be issued in one or more series or subseries. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of $5,000 or any integral multiple thereof. The Refunding Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Supplemental Indenture (as identified in Section 8). The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance and specified in the Certificate of Award. The Refunding Bonds shall be issuable as either bonds the interest on which is (i) excluded from gross income for federal income tax purposes (the "Tax-Exempt Refunding Bonds"), or (ii) included as gross income for federal income tax purposes (the "Taxable Refunding Bonds"). The Director of Finance shall determine the status of any series of Refunding Bonds as Tax-Exempt Refunding Bonds or as Taxable Refunding Bonds (the "Tax Status"), and shall designate the applicable series of Refunding Bonds as such in the Certificate of Award. The Refunding Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 7% per year as to Refunding Bonds of any series that are Tax-Exempt Refunding Bonds or 8% per year as to Refunding Bonds of any series that are Taxable Refunding Bonds. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

The Refunding Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on (i) the written advice of a Municipal Advisor to be in the best interests of the City given market conditions at the time the Refunding Bonds are sold and (ii) the objectives of the plan of refunding to either obtain aggregate net present value debt service savings of not less than 3% or restructure outstanding debt of the City.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Refunding Bonds to the Original Purchaser (as defined in Section 4), that portion of the aggregate principal amount of the Refunding Bonds that is allocable to each Project, and the principal amount of Refunding Bonds allocated to each Project that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund

Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Refunding Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Refunding Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Refunding Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Refunding Bonds as certified by the Director of Finance.

The Refunding Bonds stated to mature in any year may be issued as term bonds (the "Term Refunding Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Refunding Bonds shall be issued as Term Refunding Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Refunding Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Refunding Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent (as such term is defined in the Supplemental Indenture) for payment of principal of and interest on any Term Refunding Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Refunding Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Supplemental Indenture).

(b) Optional Redemption. The Refunding Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of $5,000, on the optional redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a Municipal Advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Refunding Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Refunding Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Refunding Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Refunding Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Supplemental Indenture.

If and to the extent provided in the Certificate of Award, the Refunding Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Refunding Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Refunding Bonds, subject to compliance with applicable federal tax laws.

Section 4. Sale of Refunding Bonds. The Refunding Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Refunding Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award, which shall specify the final terms of the Refunding Bonds in accordance with law, the provisions of this Ordinance, the written advice of a Municipal Advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Refunding Bonds, including: the principal amount of the Refunding Bonds, the Tax Status of the Refunding Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Refunding Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Refunding Bonds (if different from those set forth in Section 3), whether the refunding of the outstanding general obligation bonds and subordinate lien income tax bonds will be accomplished through a Tender and/or Exchange Program and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedure, and conditions for the delivery of the Refunding Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Refunding Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Refunding Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the

City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance and the Indenture, that are not substantially adverse to the City, and approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Refunding Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Supplemental Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 5. Escrow Agreement. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance is authorized to obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. The Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Refunding Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 6. Pledge and Covenant to Maintain Income Tax. So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

Section 7. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Refunding Bonds, or there shall otherwise be paid to the holders of the outstanding Refunding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 7(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Refunding Bonds. Outstanding Refunding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 7(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the

Refunding Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Refunding Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Refunding Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in the Indenture for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Refunding Bond as described in the Indenture, the moneys held pursuant to this Section shall be held and paid as provided in the Indenture for unclaimed funds held by a Paying Agent.

Section 8. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the “Supplemental Indenture”), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Refunding Bonds, redemption of Refunding Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Refunding Bonds, defeasance of the Refunding Bonds and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Supplemental Indenture shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Supplemental Indenture are not substantially adverse to the City shall be conclusively evidenced by the Director’s signing of the Supplemental Indenture. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Supplemental Indenture as may be necessary or appropriate to issue and sell the Refunding Bonds and to consummate the transactions authorized by this Ordinance.

Section 9. **Official Statement; Continuing Disclosure**. If, in the judgment of the Director of Finance, a disclosure document (each, an “Official Statement”) is appropriate or necessary in connection with the sale of the Refunding Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Refunding Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in his or her official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his or her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in his judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Refunding Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Tax-Exempt Refunding Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Refunding Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Tax-Exempt Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Refunding Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Refunding Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Refunding Bonds.

Each covenant made in this section with respect to the Tax-Exempt Refunding Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Refunding Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Refunding Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Tax-Exempt Refunding Bonds.

Section 11. Credit Facilities and Ratings. If, in the judgment of the Director of Finance, based on the written advice of a Municipal Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Municipal Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds appropriated for that purpose.

Section 12. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal advisors (the "Municipal Advisor"), from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. Any such Municipal Advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any Municipal Advisor so retained. Any Municipal Advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchaser and any other party interested in the transaction. Any references to "financial advisor" in any transaction documents related to the issuance of subordinate lien income tax bonds or general obligations (including any subordinate lien income tax bonds or general obligations issued prior to the Refunding Bonds authorized in this Ordinance) shall have the same meaning as "Municipal Advisor" as used in this Ordinance.

Section 13. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Refunding Bonds. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Fiscal Officer. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 16. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Refunding Bonds authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 19. Sunset of Authorization. The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 20. Emergency Measure. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 318-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of water revenue obligations to refund outstanding water revenue obligations; authorizing agreements related to the obligations; authorizing a tender and/or exchange program with respect to the refunding of water revenue obligations and providing for the appointment of professionals and authorizing documents with respect thereto; and authorizing and approving related matters.

WHEREAS, the City of Cleveland, Ohio, a municipal corporation and political subdivision of the State of Ohio, is authorized under Article XVIII of the Ohio Constitution and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; and (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding obligations issued for that purpose; and

WHEREAS, pursuant to that authority the City has issued Bonds, from time to time, under the terms of the Amended and Restated Trust Indenture, effective as of October 5, 2001, as supplemented and amended from time to time, between the City and U.S. Bank Trust Company, National Association, as successor trustee (the "Indenture"), and the Bonds are secured thereunder by a pledge of and lien on the Net Revenues of the Waterworks System and the Pledged Funds, each as defined in the Indenture; and

WHEREAS, this Council has determined to authorize the issuance from time to time by the City of Refunding Bonds under the Indenture for the purpose of refunding Outstanding Revenue Bonds, as defined and provided in this Ordinance, to obtain debt service savings, to stabilize interest rates or minimize risks of increased interest expense on Outstanding Revenue Bonds that bear interest at variable rates, or to eliminate or modify covenants that are unduly restrictive, or otherwise to obtain a more favorable debt service structure; and

WHEREAS, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of public peace, property, health or safety, in that authorizing the issuance and sale of obligations to refund the Outstanding Bonds and authorizing related agreements is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the Waterworks System; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. Definitions. In addition to the words and terms defined in the Indenture, the following words and terms shall have the following meanings, unless the context or use clearly indicates another or different meaning or intent:

“Bonds” or “Water Revenue Bonds” means all Bonds or Subordinate Bonds issued and outstanding under the Indenture.

“Bond Purchase Agreement” means, as to each Series of Refunding Bonds, the purchase agreement between the City and the Original Purchasers authorized by Section 4 with respect to that Series.

“Certificate of Award” means, as to each Series of Refunding Bonds, the certificate determining the final terms of the Refunding Bonds of that Series, consistent with the requirements of this Ordinance, including, without limitation, Section 4.

“Continuing Disclosure Agreement” means, as to each Series of Refunding Bonds, any continuing disclosure agreement authorized by Section 14.

“Credit Support Instrument” means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity facility used to enhance or provide for the security or liquidity of Refunding Bonds, or any Hedge Agreements.

“Escrow Agreement” means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 7 or Section 17.

“Escrow Fund” means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to an Escrow Agreement.

“Hedge Agreement” means any agreement defined as such in Section 11.

“Indenture” means, as applicable, (i) the Senior Indenture or (ii) the Subordinate Indenture.

“Municipal Advisor” means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Revenue Bonds or any Hedge Agreement. This term was previously defined as “Financial Advisor” in prior legislation related to the Outstanding Revenue Bonds.

“Original Indenture” means the Amended and Restated Trust Indenture, effective October 5, 2001, between the City and U.S. Bank Trust Company, National Association, as successor trustee, delivered under authority of Ordinance No. 2011-95, passed by the Council of the City on April 1, 1996, and with the consent of the owners of 66⅔% of the applicable Outstanding Revenue Bonds under the Indenture of Mortgage dated as of November 1, 1977.

"Original Purchasers" means, with respect to each Series of Refunding Bonds, the financial institutions identified in the applicable Certificate of Award.

"Outstanding Revenue Bonds" means Water Revenue Bonds of the City issued and outstanding, from time to time, under the Indenture. On the date of introduction of this Ordinance the following Bonds are Outstanding: Series Y (currently outstanding in the amount of $17,875,000), Series BB (currently outstanding in the amount of $13,170,000), Series CC (currently outstanding in the amount of $22,010,000), Series DD (currently outstanding in the amount of $31,225,000), Series EE (currently outstanding in the amount of $15,285,000), Series FF (currently outstanding in the amount of $70,270,000), Series GG (currently outstanding in the amount of $98,305,000) and Second Lien Series B (currently outstanding in the amount of $26,760,000).

"Refunded Bonds" means, as to each Series of Refunding Bonds, the Outstanding Revenue Bonds designated in the Certificate of Award as the Water Revenue Bonds to be refunded with proceeds of that Series of Refunding Bonds.

"Refunding Bonds" means the obligations authorized by this Ordinance to be issued in one or more Series as additional Water Revenue Bonds under the Indenture for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated maturities thereof, or one or more Series of Refunding Bonds.

"Senior Indenture" means the Original Indenture as previously supplemented and amended and as it may be further supplemented and amended by Supplemental Indentures consistently with the Original Indenture as previously amended and supplemented.

"Subordinate Indenture" means the Subordinate Bonds Trust Indenture, dated as of October 1, 2012, between the City and U.S. Bank Trust Company, National Association, as successor trustee, delivered under authority of Ordinance No. 919-12, passed by the Council of the City on August 8, 2012, as it may be supplemented and amended by Supplemental Indentures consistently with its terms.

"Supplemental Indenture" means, as to each Series of Refunding Bonds, the Supplemental Indenture or Supplemental Subordinate Indenture, as applicable, between the City and the Trustee securing that Series of Refunding Bonds as authorized under Section 7.

"Taxable Obligations" means any Refunding Bonds the interest on which is intended to be included in gross income for federal income tax purposes.

"Tax-Exempt Obligations" means any Refunding Bonds the interest on which is intended to be excluded from gross income for federal income tax purposes.

“Tender and/or Exchange Program” means a tender and/or exchange program established in connection with the refunding of any of the Outstanding Revenue Bonds in accordance with Section 10.

Any reference herein to a fund or funds or to any debt service reserve requirements created or established pursuant to the Senior Indenture shall include, as applicable, any counterpart fund, funds or debt service reserve requirements created or established pursuant to the Subordinate Indenture.

Section 2. Authorization of the Refunding Bonds. This Council authorizes the City to issue the Refunding Bonds from time to time in one or more Series for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings of at least three percent (3%), to eliminate or modify covenants that are unduly restrictive, or otherwise to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Revenue Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Revenue Bonds, or designated portions thereof, on the further basis that the Director of Finance has determined, based on the written advice of a Municipal Advisor, that such Outstanding Revenue Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 4 and determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be necessary (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to fund any deposit to the Debt Service Reserve Fund required under the Indenture or any special reserve fund for that Series separate from the Debt Service Reserve Fund, (iii) to pay costs of any Credit Support Instruments, (iv) to pay any amounts owed under Hedge Agreements, and (v) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 5.

The Refunding Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the Refunding Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each Series shall be designated as provided in the applicable Certificate of Award and shall include in the designation reference to the calendar year in which the applicable Series is issued. A separate Certificate of Award and a separate Supplemental Indenture shall be delivered for each Series.

Section 3. Variable Rate Refunding Bonds. In the event that a Series of Refunding Bonds bear interest at variable interest rates, then the Director of Finance is authorized to determine the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that Series shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that no variable rate Refunding Bonds may bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate Series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. The Director of Finance shall also designate in the Certificate of Award for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution therefor) the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Municipal Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of each Series of variable rate Refunding Bonds, and from time to time thereafter so long as the variable rate Refunding Bonds of that Series are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers), purchasers of tendered Refunding Bonds, and others as may be determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Refunding Bonds as provided in Section 9. The Director of Finance is authorized to pay any fees associated with agreements entered into or terminated pursuant to this Section from proceeds of Refunding Bonds, to the extent permitted by the Indenture, and from the Net Revenues of the Utility.

Section 4. Award and Sale of Refunding Bonds. The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the Original Purchaser selected by the Director of Finance and identified in the Certificate of Award. In the case of Refunding Bonds to be underwritten in a public offering, the Director of Finance shall select the Original Purchaser based on his evaluation, in consultation with a Municipal Advisor, of the qualifications and relevant experience of firms that have proposed to underwrite the Refunding Bonds. Alternatively, the Director of Finance may determine, in consultation with a Municipal Advisor, that more advantageous terms for the Refunding Bonds may be obtained by the private placement of the Refunding Bonds with an investor or investors (including financial institutions) purchasing for their own account and not for resale, in which case the Director of Finance may designate such investor or investors as the Original Purchaser. In addition, each Certificate of Award shall determine the following, based on the written advice of a Municipal Advisor, consistent with this Ordinance and the Indenture:

(a) the aggregate principal amount of Refunding Bonds issued;

(b) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from the amount any aggregate original issue discount, plus
(ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;

(c) whether any Refunding Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date for those Refunding Bonds subject to prior redemption and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

(d) the dates on which and amounts in which principal of the Refunding Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Refunding Bonds of a particular maturity;

(e) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed seven percent (7%) as to Refunding Bonds of any Series that are Tax-Exempt Obligations or eight percent (8%) as to Refunding Bonds of any Series that are Taxable Obligations, or the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 3;

(f) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds, and the date or dates on which the Refunded Bonds shall be called for redemption or otherwise retired;

(g) the title and Series designation for the Refunding Bonds;

(h) the amount, if any, and source of any money to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Service Reserve Requirement, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Refunding Bonds of any Series, separate from the Debt Service Reserve Fund, and any determination as to whether a Credit Support Instrument shall be provided in lieu of cash in the Debt Service Reserve Fund or such special reserve fund;

(i) the Paying Agent;

(j) whether any Refunding Bonds are to be secured by or payable from any Credit Support Instruments; and

(k) whether the refunding of the Outstanding Revenue Bonds will be accomplished through a Tender and/or Exchange Program.

It is determined that the terms of the Refunding Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance may enter into a Bond Purchase Agreement with the Original Purchasers of each Series of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Ordinance, the Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be customary for water revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 14.

Section 5. Application of Proceeds of Refunding Bonds. The proceeds of the sale of each Series of Refunding Bonds shall be deposited as provided in the applicable Supplemental Indenture, including:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Refunding Bonds as accrued interest on any Refunding Bonds from their dated date to the date of the delivery of and payment for those Refunding Bonds;

(c) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund or any special reserve fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund or such special reserve fund from the proceeds of the Refunding Bonds;

(d) to the Trustee, for payment to the holders of the Refunded Bonds or for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement or to the Debt Service Fund, proceeds to be applied to refund the Refunded Bonds;

(e) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Revenue Bonds; and

(f) to the Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the Refunding Bonds and refunding the Refunding Bonds.

Provision shall be made in the Supplemental Indentures for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of Outstanding Revenue Bonds as a result of the Refunded Bonds' no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provisions may be made in the Supplemental Indentures for the creation of separate accounts within the funds established under the Indenture or Supplemental Indentures.

The proceeds from the sale of each Series of Refunding Bonds are appropriated and shall be used for the purpose for which those Refunding Bonds are issued as provided in this Ordinance.

Section 6. Terms and Provisions Applicable to the Refunding Bonds.

(a) Form; Exchange and Transfer. All Refunding Bonds shall be issued in fully registered form and may be delivered in book-entry form. If delivered in book-entry form, Refunding Bonds shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture.

(b) Dates; Denominations. The Refunding Bonds of each Series shall be dated as of the date or dates provided in the Certificate of Award and shall be issued in the denominations permitted in the applicable Supplemental Indenture.

(c) Interest and Place of Payment. The Refunding Bonds of each Series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Refunding Bonds, determined pursuant to the Supplemental Indenture). The Refunding Bonds of the same Series and same maturity may bear interest at different interest rates. The Refunding Bonds of each Series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each Refunding Bond of a Series shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the applicable Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The Refunding Bonds of each Series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Indenture.

(e) Optional and Mandatory Redemption. The Refunding Bonds of each Series may be subject to redemption prior to maturity at the option of the City, if and to the extent provided in the Certificate of Award. Any Refunding Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The Refunding Bonds designated in the Certificate of Award as term bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Certificate of Award in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Certificate of Award and in accordance with the Supplemental Indenture.

(f) Purchase in Lieu of Redemption. The Refunding Bonds of each Series may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the applicable Supplemental Indenture.

(g) Execution. The Refunding Bonds of each Series shall be signed by the persons and in the manner set forth in the Indenture.

(h) Numbering. The Refunding Bonds of each Series shall be numbered as determined by the Director of Finance.

Section 7. Authorization of Supplemental Indentures; Escrow Agreement.

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of each Series of the Refunding Bonds, a Supplemental Indenture, approved as to form by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Subject to the Original Indenture as theretofore amended, any Supplemental Indenture may contain amendments to the Original Indenture, as theretofore amended, or amend and restate the Original Indenture, to permit the City to obtain a Credit Support Instrument or to permit increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be in the best interests of the City.

In order to cause the proceeds of each Series of Refunding Bonds and any funds of the City deposited in an Escrow Fund or in the Debt Service Fund to be invested as permitted under Section 9.02 of the Indenture so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the applicable redemption date, the Director of Finance is authorized to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form by the Director of Law, providing for the establishment of each Escrow Fund as a trust fund in the custody of the Trustee and for the investment, dedication and application of the moneys deposited in the accounts therein and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the Refunded Bonds identified in the applicable Certificate of Award to be called for redemption prior to maturity and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish the refunding of Refunded Bonds, including without limitation, the retention of an independent public accounting firm to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates and interest payment dates, and bear such interest, as will be sufficient, together with any cash in an Escrow Fund, for the payment of debt service on the Refunded Bond to which the Escrow Fund relates and to make any determinations required for the interest on the Refunding Bonds to be excluded from gross income for federal income tax purposes.

Section 8. Rebate Fund. There is established and ordered to be maintained a separate account for each Series of Refunding Bonds that are Tax-Exempt Obligations within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the Refunding Bonds or the Outstanding Revenue Bonds. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

Section 9. Remarketing. In the event that the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is advantageous to the City to convert the interest on any short-term or variable rate Outstanding Revenue Bonds or Refunding Bonds to fixed interest rates for a period of time or to maturity, or to convert the interest on any short-term or variable rate Outstanding Revenue Bonds or Refunding Bonds to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Revenue Bonds or Refunding Bonds under the Indenture (any such conversion or other action or tender or remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the Indenture. In connection with any remarketing of Bonds, the Director of Finance is authorized to take such actions that he determines, based on the written advice of a Municipal Advisor, will facilitate the remarketing of the

Bonds or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Bonds in lieu of a public offering of the Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is necessary to supplement or amend the Supplemental Indenture applicable to a Series of Bonds to be remarketed in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or otherwise obtain financing arrangements advantageous to the City, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized to sign and deliver an amendment of that Supplemental Indenture, or an amended and restated Supplemental Indenture, approved as to form by the Director of Law, subject to the Original Indenture as theretofore amended. The Director of Finance is further authorized to satisfy any Debt Service Reserve Requirement or any special reserve fund requirement for the Series of Bonds to be remarketed, by the deposit of a Credit Support Instrument in lieu of cash, as permitted and more specifically provided in the Indenture, and to apply cash released from the Debt Service Reserve Fund or such special reserve fund to the payment of costs of remarketing or other purposes permitted by applicable laws. To the extent the costs of remarketing are not paid from any cash released from the Debt Service Reserve Fund or such special reserve fund, those costs shall be paid from funds of the Water Division, which are appropriated for that purpose.

The Director of Finance and the Director of Public Utilities are authorized to prepare one or more disclosure documents in connection with any remarketing of Bonds under the same terms and conditions as set forth in Section 14 of this Ordinance with respect to the issuance of Refunding Bonds. The Director of Finance, the Director of Public Utilities or any other officer of the City, as appropriate under the Charter, is authorized to take such actions or cause to be taken such actions as are necessary to maintain the applicable tax status of such Bonds, and the covenants and authorizations in Section 12 of this Ordinance shall apply to such Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section.

The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of any Bonds and to take all actions necessary to effect the remarketing of any Bonds under the terms of this Ordinance and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Trustee a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the remarketing of any Bonds along with such information for the records as is necessary to determine the validity of the remarketing.

Section 10. Tender and/or Exchange Program. To the extent it is determined to be financially beneficial to the City by the Director of Finance and will result in debt service savings to the City or the elimination or modification of covenants that are unduly restrictive or a more favorable debt service structure or more favorable terms under Credit Support Instruments or other advantages to the City, based on the written advice of a Municipal Advisor, the City is authorized to undertake the Tender and/or Exchange Program in connection with the refinancing, restructuring or refunding of any of the Outstanding Revenue Bonds under which the City would offer to purchase all or portions of Outstanding Revenue Bonds for cash funded from the proceeds of the Refunding Bonds and any other available moneys and/or in exchange for Refunding Bonds or, with or without cash from the proceeds of the Refunding Bonds and any other available moneys, by an exchange of Refunding Bonds for Outstanding Revenue Bonds. The Director of Finance is hereby authorized to take all actions with respect to the Tender and/or Exchange Program, including (1) the determination of the terms of, and which Outstanding Revenue Bonds would be subject to, the Tender and/or Exchange Program, (2) the appointment of necessary professionals, including without limitation one or more dealer managers and/or tender and exchange agents, which may be appointed from among the Underwriters, and an information agent, and (3) after consultation with the bond counsel, to approve the form of and distribution of an offer to tender and exchange and the forms of and to execute and deliver all necessary documents in connection with the Tender and/or Exchange Program, the execution and delivery of such documents to be conclusive evidence of the approval of such documents. The Director of Finance is authorized to prepare disclosure documents relating to the terms and conditions of the Tender and/or Exchange Program and containing information about the City and the Waterworks System and to authorize the use and distribution of those disclosure documents.

Section 11. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements with respect to Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of its fixed and variable rate obligations or minimizing the risk of variations in its debt service costs or obtaining savings by confirming rates of interest on Bonds in advance of their issuance. To permit the City to have the flexibility to undertake with respect to Bonds interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements, including amendments or supplements to existing agreements (each, a “Hedge Agreement”), and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Municipal Advisor, that it is to the financial advantage of the City and in the City’s best interests that a hedging arrangement be undertaken by the City with respect to any Bonds issued or to be issued under the Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the counterparty shall be rated at the time of signing the Hedge Agreement not lower than “A” by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than "A" by at least one rating agency, with such rating in either case determined without regard to a gradation by numerical or plus or minus or other modifier and (b) the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement with a counterparty satisfying the credit criteria in this Ordinance. The City shall receive a written opinion of a Municipal Advisor that the payments to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City and the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, and whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to terminate any Hedge Agreements in whole or in part or any Credit Support Instrument securing a Hedge Agreement if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into amendments, novations, assignments or modifications of a Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement determined by the Director of Finance, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such amendment or modification.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues of the Utility and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Net Revenues that may be subordinate to the pledge of Net Revenues for the Bonds, to the extent permitted by the Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

Section 12. Covenants of the City. The City, by issuance of each Series of Refunding Bonds, covenants and agrees with the Holders of that Series of Refunding Bonds, that:

(a) The City will use the proceeds of the Refunding Bonds for the purposes specified in Section 2.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the Refunding Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the Refunding Bonds and this Ordinance or as may be required by Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the Refunding Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds that are issued as Tax-Exempt Obligations in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(f) The City covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Refunding Bonds that are issued as Tax-Exempt Obligations to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Refunding Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the Refunding Bonds (and, if different, the original issue and any refunding issues in a Series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Refunding Bonds that are issued as Tax-Exempt Obligations from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the Refunding Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the Refunding Bonds.

The Mayor, the Director of Finance or any other officer of the City, as appropriate under the Charter, is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds that are issued as Tax-Exempt Obligations or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds that are issued as Tax-Exempt Obligations, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the Refunding Bonds and interest thereon.

If the Director of Finance determines, based on the written advice of a Municipal Advisor, and so specifies in the Certificate of Award that the best interests of the City would be served by issuing a Series of Refunding Bonds as Taxable Obligations, then the tax-related covenants in this Section shall not apply to or be required to be made with respect to the Refunding Bonds of that Series.

Section 13. Ratings; Credit Enhancement. If, in the judgment of the Director of Finance, based on the written advice of a Municipal Advisor, the filing of an application for a rating on one or more Series of Outstanding Revenue Bonds or Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Outstanding Revenue Bonds or Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Municipal Advisor, that the Credit Support Instruments will result in debt service savings to the City, or will stabilize interest rates on those Bonds or will minimize the risk of increased interest expense on those Bonds. The Director of Finance is further authorized to terminate any such contract if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such termination. The cost of obtaining each rating and the cost of obtaining or terminating each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds of the Water Division, which are appropriated for that purpose.

Section 14. Official Statements; Continuing Disclosure. The Mayor, the Director of Finance, the Director of Public Utilities, the Commissioner of Water, or other City officials, as appropriate under the Charter, each is authorized, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of Refunding Bonds of one or more Series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements are authorized and approved.

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, as appropriate under the Charter, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b) (3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of each Series of Refunding Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates regarding the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of each Series of Refunding Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Refunding Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance and the Director of Public Utilities are authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds of that Series in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 15. Authorization of Other Documents. Each of the Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, is authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Indenture, any Escrow Agreements and any Hedge Agreements.

Each of the Mayor, the Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, is authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each Series of Refunding Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each Series of Refunding Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of each Series of Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of those Refunding Bonds.

The Director of Finance is also authorized, notwithstanding any other previously imposed limitations on redemption provisions for such Outstanding Revenue Bonds, to enter into agreements with any holder of any Outstanding Revenue Bonds to extend, in consideration of payment, the earliest optional redemption date of those Bonds, provided that the Director of Finance receives written advice of a Municipal Advisor that the consideration being received by the City fairly compensates the City for such extension of the redemption date. Any amounts received with respect to such extensions shall be deposited in the Additions and Improvements Fund.

Section 16. Lien of Pledge. The Net Revenues of the Utility are subject to the lien of the pledge under the Indenture without any physical delivery of the Net Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Net Revenues or for the filing or recording of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Net Revenues under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 17. Other Provisions for Payment of Outstanding Revenue Bonds. The City may, from time to time, deposit legally available funds, other than the proceeds of Bonds issued for that purpose, in trust with the Trustee under the Indenture or an Escrow Agreement for the payment of debt service requirements on any Outstanding Revenue Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Municipal Advisor, doing so will improve the debt service coverage ratio of the Waterworks System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to make such deposits, from time to time, from moneys in the Additions and Improvements Fund under the Indenture (Fund No. 52-300 of the Water Division), with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Revenue Bonds, as and when due at maturity or upon prior redemption, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the Escrow Agreement. The officers signing the Escrow Agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the Escrow Agreement by those officers. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Revenue Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Revenue Bonds.

Section 18. Municipal Advisors and Consultants. The Director of Finance may obtain the services of one or more Municipal Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. Any such Municipal Advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any Municipal Advisor so retained. The Director of Finance may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of the Utility, debt service coverage, rates and charges or other matters. Any Municipal Advisor or consultant employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchaser and any other party interested in the transaction.

Section 19. Appointment of Successor Trustee. The Director of Finance is authorized to appoint a successor Trustee in the event that the current Trustee, U.S. Bank Trust Company, National Association, shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 6.05 of the Original Indenture.

Section 20. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 21. Severability. Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

Section 22. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Refunding Bonds or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures or other agreements or contracts made or entered into by the City.

Section 23. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council. This Council further finds and determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

Section 24. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 25. Sunset of Authorization. The authority granted by Section 2 of this Ordinance to issue Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by Section 2 of this Ordinance shall not expire as to those Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 26. Emergency. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 319-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the establishment of and issuance by the City of Cleveland of City of Cleveland Airport System subordinated indebtedness in the form of revolving lines of credit and/or a commercial paper program in an aggregate principal amount not to exceed one hundred and seventy-five million dollars ($175,000,000) at any one time to pay costs of improving the Airport System; authorizing one or more revolving credit agreements, reimbursement agreements, official statements, dealer agreements, supplemental indentures, notes evidencing subordinated indebtedness and other agreements related to subordinated indebtedness; and authorizing and approving related matters.

WHEREAS, under authority of the Constitution of the State of Ohio and the Charter of the City of Cleveland, Ohio (the “City”), this Council has by ordinance authorized the issuance of Revenue Bonds, from time to time, for the Airport System under the terms and security of the Amended and Restated Trust Indenture (Seventeenth Supplemental Trust Indenture), effective as of January 31, 2012 (the “Trust Indenture”), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”); and

WHEREAS, this Council has determined to authorize the issuance by the City of Subordinated Indebtedness in the form of establishing a revolving line or lines of credit (as further defined herein, the “2024 Revolving Line of Credit”) and/or a commercial paper program (as further defined herein, the “2024 Commercial Paper Program”) under the terms and security of the Trust Indenture, as supplemented and amended, for the purpose of paying costs of improving the facilities of the Airport System; and

WHEREAS, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the 2024 Revolving Line of Credit and 2024 Commercial Paper Program is necessary to fund contracts for improvements to the Airport System needed for the provision of air services to the public; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. Definitions. In addition to the words and terms defined in the Trust Indenture, as amended and supplemented, and as to be further amended and supplemented as provided in this Ordinance, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

“2024 Commercial Paper Program” means the program for the issuance and sale of commercial paper notes authorized by Sections 6 and 7 hereof.

“2024 Revolving Line of Credit” means one or more revolving lines of credit authorized by Sections 4 and 5 hereof.

“2024 Subordinated Indebtedness” means the Revolving Loan Notes and the Commercial Paper Notes, either or both of which the City may issue as authorized by this Ordinance.

“Available Commitment” means, on any date, an initial amount equal to $175,000,000 and thereafter such initial amount adjusted from time to time as follows: (a) downward in an amount equal to any draw or advance pursuant to the Revolving Credit Agreement or Reimbursement Agreement, as applicable; (b) upward in an amount equal to the principal amount of any 2024 Subordinated Indebtedness that is repaid or prepaid in the manner provided by the Revolving Credit Agreement or Reimbursement Agreement, as applicable; and (c) downward upon the expiration, termination or reduction of available loans or credit support pursuant to any Revolving Credit Agreement or Reimbursement Agreement; provided, that, after giving effect to any of the foregoing adjustments the Available Commitment shall never exceed $175,000,000 at any one time.

“Bank” means the bank that is providing interim financing through loans under the provisions of a Revolving Credit Agreement.

“Book–entry form” or “book–entry system” means with respect to Commercial Paper Notes, a form or system, as applicable, under which (a) the ownership of beneficial interests in Commercial Paper and debt charges thereon may be transferred only through a book–entry, and (b) physical Commercial Paper Notes in fully registered form, in the form of the Master Commercial Paper Note Certificate registered only in the name of a Depository or its nominee as holder in fully registered form. The book–entry system is maintained by and is the responsibility of the Depository and not the City or the Trustee. The book–entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book–entry) interests in the Commercial Paper Notes.

“Certificate of Award” means one or more certificates delivered by the Director of Finance pursuant to Section 2 providing for the final terms of the establishment of the 2024 Revolving Line of Credit and/or the 2024 Commercial Paper Program.

“Code” means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations.

“Commercial Paper Notes” means the commercial paper notes issued by the City from time to time under the 2024 Commercial Paper Program in an aggregate principal amount not to exceed the Available Commitment.

“Dealer” means the dealer of commercial paper notes named in the Dealer Agreement.

“Dealer Agreement” means a commercial paper dealer agreement to be entered into by and between the City and a dealer of commercial paper notes for the purchase of the Commercial Paper Notes by the dealer from the City or the arrangement by the dealer for the purchase of Commercial Paper Notes by other investors.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record beneficial ownership of Commercial Paper and debt service charges thereon, and to effect transfers of Commercial Paper, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Indenture” means the Trust Indenture as amended and supplemented by the Eighteenth Supplemental Trust Indenture dated as of February 1, 2012, the Nineteenth Supplemental Trust Indenture dated as of April 1, 2013, the Twentieth Supplemental Trust Indenture dated as of February 1, 2014, the Twenty-First Supplemental Trust Indenture dated as of February 23, 2016, the Twenty-Second Supplemental Trust Indenture dated as of October 4, 2016, the Twenty-Third Supplemental Trust Indenture dated as of October 4, 2018 and the Twenty-Fourth Supplemental Trust Indenture dated as of October 1, 2019 as the same may be further amended, supplemented or restated from time to time.

“Letter of Credit” means the direct-pay or revolving letter of credit to be issued by the Letter of Credit Bank to support the issuance of the Commercial Paper Notes.

“Letter of Credit Bank” means the bank that provides credit enhancement and liquidity support for payment of the Commercial Paper Notes through a Letter of Credit.

“Master Commercial Paper Note Certificate” means the master note certificate held by a Depository in the form attached to applicable Supplemental Indenture or Reimbursement Agreement for the 2024 Commercial Paper Program as further authorized and described in Section 6.

“Municipal Advisor” means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the 2024 Subordinated Indebtedness. This term is used as “Financial Advisor” in prior legislation and documentation related to the Outstanding Revenue Bonds.

“Official Statement” means an official statement or offering memorandum relating to the issuance of the Commercial Paper Notes.

“Outstanding Revenue Bonds” as used in this Ordinance, means Revenue Bonds issued and outstanding, from time to time, under the Indenture.

“Project” means (i) improvements to the Airport System comprising the Terminal Modernization Development Program and the acquisition of any interests in real property necessary therefor, related design, planning, environmental studies, environmental remediation and regulatory compliance costs, site preparation, construction management services, and appurtenant improvements; (ii) such additional or different improvements to the Airport System as the Director of Port Control deems necessary, provided that (A) all conditions for the inclusion of the cost of any such improvements in the calculation of Landing Fees or Rentals under Section 8.07 of the Use Agreements shall have been met, and (B) in the event that proceeds of a series of Tax–Exempt Subordinated Indebtedness are to be used to pay costs of such improvements, the City shall have obtained the opinion of nationally recognized bond counsel that the expenditure of proceeds of such Tax-Exempt Subordinated Indebtedness to pay costs of such improvements will not adversely affect the exclusion from gross income for federal income tax purposes of the interest on such Tax-Exempt Subordinated Indebtedness.

“Reimbursement Agreement” means the agreement between the City and the Letter of Credit Bank, including any promissory notes, to evidence the provision of a Letter of Credit to support the payment of the Commercial Paper Notes.

“Revenue Bonds” means Outstanding Revenue Bonds and any Additional Revenue Bonds issued under the Indenture.

“Revolving Credit Agreement” means the agreement entered into by the City and the Bank to evidence interim financing through the provision of loans in the form of Revolving Loan Notes.

“Revolving Loan Notes” means the notes issued by the City as Subordinated Indebtedness under a Revolving Credit Agreement and designated as (Tax-Exempt AMT), (Tax-Exempt Non-AMT) or (Taxable), as appropriate, evidencing a revolving line of credit as authorized and further described in Section 4 hereof.

“Supplemental Indenture” means each Supplemental Trust Indenture delivered to supplement the Trust Indenture, to further provide for the terms and security of one or more issues of 2024 Subordinated Indebtedness, series of Revenue Bonds or to amend the Trust Indenture, as theretofore supplemented and amended.

“Taxable Subordinated Indebtedness” means any 2024 Subordinated Indebtedness the interest on which is included in gross income for federal income tax purposes including a Revolving Loan Note and/or Commercial Paper Note designated as Taxable.

“Tax-Exempt Subordinated Indebtedness” means the 2024 Subordinated Indebtedness designated “Tax-Exempt Non-AMT” or “Tax-Exempt AMT”, the interest on which is not included in gross income for federal income tax purposes, including a Revolving Loan Note and/or Commercial Paper Note so designated.

"Terminal Modernization Development Program" means the Airport System's program of related improvements, that include among other projects, the (i) renovation and expansion of the terminal building and concourse areas at the Airport, (ii) relocation of the rental car facility, and (iii) construction of roadway access improvements. The Terminal Modernization Development Program may be amended from time to time and includes but is not limited to planning, design and engineering services, program management services, headhouse and new terminal enabling projects, parking improvements, building demolition, deicing facility upgrades, new ground support equipment facility, and new airline fueler facilities.

Section 2. Authorization of the 2024 Subordinate Indebtedness. This Council authorizes the City to issue the 2024 Subordinated Indebtedness in the form of the Commercial Paper Notes and/or the Revolving Loan Notes for the purpose of paying costs of the Project. The aggregate amount of the 2024 Subordinated Indebtedness authorized by this Ordinance shall not exceed the Available Commitment.

(a) The aggregate amount of the 2024 Revolving Line of Credit is to be the amount set forth in a Certificate of Award, determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be the amount necessary, together with other funds available for the purpose to (i) finance the cost of the Project, including reimbursements to the City and (ii) pay costs of establishing the 2024 Revolving Line of Credit and of issuing the Revolving Loan Notes. The Director of Finance shall also determine in the Certificate of Award, based on the written advice of a Municipal Advisor, the Bank that will provide the 2024 Revolving Line of Credit, the determination of any interest rate (which shall not exceed 25%) and the number of years until expiration of the 2024 Revolving Line of Credit.

(b) The aggregate amount of the 2024 Commercial Paper Program is to be the amount set forth in a Certificate of Award, and determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be the amount necessary, together with other funds available for the purpose to (i) finance the cost of the Project, including reimbursements to the City, and the rolling over of the Commercial Paper Notes, and (ii) pay costs of establishing the 2024 Commercial Paper Program and of issuing the Commercial Paper Notes. The Director of Finance shall also determine in the Certificate of Award, based on the written advice of a Municipal Advisor, the Letter of Credit Bank that will provide the Letter of Credit for the 2024 Commercial Paper Program, the determination of any interest rate (which shall not exceed 25%) and the number of years until expiration of the 2024 Commercial Paper Program.

A separate Certificate of Award and a separate Supplemental Indenture may be delivered for the establishment of each of the 2024 Revolving Line of Credit and the 2024 Commercial Paper Program. The 2024 Subordinated Indebtedness shall constitute Subordinated Indebtedness for all purposes of the Indenture.

This Council finds and determines that the issuance of the 2024 Subordinated Indebtedness for the purpose provided in this Ordinance serves a proper, public, municipal purpose by providing, maintaining and improving air travel facilities serving the people of the City of Cleveland, thereby increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and creating and preserving jobs and employment opportunities in the City and improving the economic welfare of the City.

Section 3. Terms of 2024 Subordinated Indebtedness. The 2024 Subordinated Indebtedness shall contain the terms provided in or determined pursuant to, the Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. The 2024 Subordinated Indebtedness shall also contain the terms required by the Revolving Credit Agreement, Reimbursement Agreement, the Dealer Agreement and other agreements that the Director of Finance deems necessary to establish the 2024 Revolving Line of Credit and/or the 2024 Commercial Paper Program, to the extent applicable to such 2024 Subordinated Indebtedness.

(a) General. The Director of Finance is authorized to enter into agreements with others in connection with the delivery of the 2024 Subordinated Indebtedness, and from time to time thereafter so long as the 2024 Subordinated Indebtedness is outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining variable interest rates, (ii) the rights and procedures for draws upon the Revolving Credit Agreement or Reimbursement Agreement, (iii) repayment by the City of any amounts drawn pursuant to a Revolving Credit Agreement or Reimbursement Agreement, and (iv) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the 2024 Subordinated Indebtedness is outstanding, supplementing or amending the applicable Supplemental Indenture for such 2024 Subordinated Indebtedness as provided in Section 9. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of the 2024 Subordinated Indebtedness, those fees and expenses shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 126, 60 SF 141 and 60 SF 145, as determined by the Director of Finance after consultation with the Director of Port Control.

(b) Form; Exchange and Transfer for Commercial Paper Notes. All Commercial Paper Notes shall be issued in fully registered form. The Commercial Paper Notes initially may be delivered in book–entry only form, registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and not transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Trust Indenture.

If any Depository determines not to continue to act as a Depository for the Commercial Paper Notes of any series held in a book–entry system, the Director of Finance and the

Trustee may attempt to establish a securities depository/book–entry relationship with another qualified Depository. If the Director of Finance and the Trustee do not or are unable to do so, the Director of Finance and the Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Commercial Paper Notes of any series from the Depository, and authenticate and deliver a registered Master Commercial Paper Note Certificate to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of action or inaction of the City, of those persons requesting such issuance.

The Director of Finance is authorized to enter into any agreements determined by the Director of Finance to be necessary in connection with the book–entry system for the Commercial Paper Notes, after determining that those agreements will not endanger the funds or securities of the City under the Indenture (as evidenced by the Director of Finance's signing of those agreements).

(c) Signing. The Master Commercial Paper Note Certificate and the Revolving Loan Notes, and any promissory notes in connection with a Reimbursement Agreement and/or a Letter of Credit, shall be signed by the Mayor and the Director of Finance and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Master Commercial Paper Note Certificate and the Revolving Loan Notes, and, as necessary, and any promissory notes in connection with a Reimbursement Agreement and/or a Letter of Credit, shall bear the corporate seal of the City or a facsimile thereof.

Section 4. Draws or Advances upon the Revolving Loan Notes. The Revolving Loan Notes shall be issued in substantially the forms attached to the applicable Supplemental Indenture and/or the Revolving Credit Agreement.

The Revolving Loan Notes are authorized to be issued in an aggregate principal amount not to exceed the Available Commitment, but no principal amount shall be deemed outstanding until such time as a draw is made pursuant to the Revolving Credit Agreement and in accordance with the applicable Supplemental Indenture.

Each draw or advance authorized by the Revolving Credit Agreement shall be evidenced by the Director of Finance pursuant to a certificate as set forth in the Revolving Credit Agreement. The certificate for each draw or advance authorized by the Revolving Credit Agreement shall determine the following:

(a) the principal amount drawn or advanced;
(b) identify the proposed draw or advance as Tax-Exempt AMT, Tax-Exempt Non-AMT or Taxable, as appropriate; and
(c) any other information that may be required by the Revolving Credit Agreement.

It is determined that the terms of the Revolving Loan Notes as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

Section 5. Authorization of the 2024 Revolving Line of Credit and the Revolving Credit Agreement. The Director of Finance is authorized to establish the 2024 Revolving Line of Credit by executing a Certificate of Award and by contracting from time to time for one or more Revolving Credit Agreements and related Revolving Loan Notes thereunder if the Director of Finance determines, based on the written advice of a Municipal Advisor, that a Revolving Credit Agreement and related Revolving Loan Notes thereunder will be in the best interests of the City to finance the Project. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Revolving Credit Agreement and related Revolving Loan Notes thereunder if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Revolving Credit Agreement and related Revolving Loan Notes thereunder, the Director of Finance and the Director of Port Control are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Revolving Credit Agreement and related Revolving Loan Notes thereunder, except to the extent paid from proceeds of the Revolving Loan Notes or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

Section 6. Issuance of Commercial Paper Notes. The Master Commercial Paper Note Certificate shall be issued in substantially the form attached to the applicable Supplemental Indenture and/or the Reimbursement Agreement.

The Commercial Paper Notes are authorized to be issued in an aggregate principal amount not to exceed the Available Commitment, but no principal amount shall be deemed outstanding until such time as an issuance request is made by the City to the Trustee and the Dealer pursuant to the applicable Supplemental Indenture.

Upon delivery of an issuance request by the Director of Finance to the Trustee, the Dealer and/or the Letter of Credit Bank as may be provided for in the Supplemental Indenture and/or the Reimbursement Agreement, the Commercial Paper Notes shall be issued at such times, be sold to such purchasers at such prices, bear interest payable at maturity, mature on such Business Days and otherwise have such terms and conditions as shall be determined by the Director of Finance in accordance with the applicable Supplemental Indenture; provided, however, that no Commercial Paper Note shall be issued with a maturity date later than 270 days from its date of issuance, and, unless otherwise determined in the Certificate of Award, each Commercial Paper Note must have a maturity date at least five (5) days prior to the stated expiration date of the Letter of Credit.

It is determined that the terms of the Commercial Paper Notes as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

Section 7. Authorization of the 2024 Commercial Paper Program, Letter of Credit, Dealer Agreement and Reimbursement Agreement. The Director of Finance is authorized to establish the 2024 Commercial Paper Program by executing a Certificate of Award and by contracting from time to time for one or more Letter of Credit, Dealer Agreement and/or Reimbursement Agreements for the Commercial Paper Notes if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the Letter of Credit, Dealer Agreement and/or Reimbursement Agreements are in the best interests of the City for the financing of the Project. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Dealer Agreement or Reimbursement Agreement if the Director of Finance determines, based on the written advice of a Municipal Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Dealer Agreement or Reimbursement Agreement, the Director of Finance and the Director of Port Control are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Dealer Agreement or Reimbursement Agreement, except to the extent paid from proceeds of the Commercial Paper Notes or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 126, 60 SF 141 and 60 SF 145, as determined by the Director of Finance after consultation with the Director of Port Control.

Section 8. Application of Proceeds of 2024 Subordinated Indebtedness. The proceeds or draws, as applicable, from the 2024 Subordinated Indebtedness shall be applied as provided in the applicable Supplemental Indenture, including:

(a) to the Subordinated Indebtedness Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the 2024 Subordinated Indebtedness;

(b) to a fund established pursuant to the 2024 Commercial Paper Program, any proceeds to be deposited to pay the principal of and any premium and interest on any Commercial Paper Notes to be rolled over with proceeds of new Commercial Paper Notes; and

(c) to the Construction Fund, the balance of such proceeds [with designations for (Tax-Exempt AMT), (Tax-Exempt Non-AMT) or (Taxable) projects as further provided in the in the applicable Supplemental Indenture].

The proceeds from the sale of the 2024 Subordinated Indebtedness are appropriated and shall be used for the purpose for which the 2024 Subordinated Indebtedness is issued as provided in this Ordinance.

Section 9. Authorization of Supplemental Indentures and Amendments of Indenture. In order to establish the 2024 Revolving Line of Credit and 2024 Commercial Paper Program and to secure the payment of the principal of and any premium and interest on the 2024 Subordinated Indebtedness, the Mayor, the Director of Finance and the Director of Port Control, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the original purchasers and subsequent holders of the 2024 Subordinated Indebtedness, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificates of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Subject to the requirements of Article XIII of the Trust Indenture, any Supplemental Indenture may contain amendments to the Trust Indenture to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be in the best interests of the City.

Section 10. Tax Covenants.

(a) <u>Tax–Exempt Subordinated Indebtedness</u>. With respect to any 2024 Subordinated Indebtedness that is to be issued as Tax-Exempt Subordinated Indebtedness, the City covenants that:

(i) it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Subordinated Indebtedness in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Subordinated Indebtedness will be excluded from gross income for federal income tax purposes, and (b) in the case of any Tax–Exempt Subordinated Indebtedness qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code (“Non–AMT Subordinated Indebtedness”), such Tax–Exempt Subordinated Indebtedness will be treated as Non–AMT Subordinated Indebtedness.

(ii) (A) it will take or cause to be taken such actions that may be required of it for the interest on the Tax–Exempt Subordinated Indebtedness to be and to remain excluded from gross income for federal income tax purposes, (B) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply the proceeds of the Tax–Exempt Subordinated Indebtedness to the governmental purposes of the borrowing, (2) restrict the yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

(b) Further Actions. The Director of Finance, or any other officer of the City having responsibility for issuance of the 2024 Subordinated Indebtedness, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the 2024 Subordinated Indebtedness as the City is permitted or required to make or give under the federal income tax laws, any of the elections provided for in or available under the Code for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the 2024 Subordinated Indebtedness or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the 2024 Subordinated Indebtedness, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the 2024 Subordinated Indebtedness, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the 2024 Subordinated Indebtedness, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the 2024 Subordinated Indebtedness.

Section 11. Additional Documents. The Mayor, the Director of Finance, the Director of Port Control, the Director of Law and other City officials as appropriate under the Charter are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Letter of Credit and/or Reimbursement Agreement, the Revolving Credit Agreement, the Supplemental Indentures, the Indenture, the Dealer Agreement and any other agreements the Director of Finance deems necessary to establish the 2024 Revolving Line of Credit or the 2024 Commercial Paper Program.

The Mayor, the Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of the 2024 Subordinated Indebtedness and to take all actions necessary to effect due signing, authentication and delivery of the 2024 Subordinated Indebtedness under the terms of this Ordinance, the Supplemental Indentures, the Letter of Credit and/or Reimbursement Agreement, the Revolving

Credit Agreement, the Dealer Agreement, the Indenture, and any other agreements the Director of Finance deems necessary to establish the 2024 Revolving Line of Credit or the 2024 Commercial Paper Program. The Clerk of Council or other officials of the City as appropriate under the Charter shall furnish the Dealer, Bank, Letter of Credit Bank, and Trustee, as necessary, with a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the applicable 2024 Subordinated Indebtedness along with such information for the records as is necessary to determine the regularity and validity of the issuance of the 2024 Subordinated Indebtedness.

Section 12. Official Statement for the Commercial Paper Notes. The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter, are and each is authorized on behalf of the City to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of an Official Statement relating to the issuance of the Commercial Paper Notes of one or more series. The distribution and use of one or more Official Statements is hereby authorized and approved.

Each of those officers is also authorized, on behalf of the City and in their official capacities, to complete each Official Statement with such modifications, changes and supplements as those officers shall approve or authorize. Each of those officers is further authorized to use and distribute, or authorize the use and distribution of, one or more final Official Statements and supplements thereto in connection with the issuance of the Commercial Paper Notes as may, in their judgment, be necessary or appropriate. Each of those officers is further authorized to sign and deliver on behalf of the City and in their official capacities, each final Official Statement and such certificates in connection with the accuracy of each Official Statement, as may in their judgment also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of Official Statements, including by printed and electronic means.

Section 13. Lien of Pledge. The Airport Revenues are subject to the lien of the pledge under the Indenture without any physical delivery of the Airport Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Airport Revenues or for the filing or recording of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Airport Revenues under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Each draw or advance made by the City pursuant to a Revolving Credit Agreement or Letter of Credit and/or Reimbursement Agreement shall be Subordinated Indebtedness under the Indenture. The security for repayment of the 2024 Subordinated

Indebtedness shall be Airport Revenues (as defined in the Indenture), provided that such security shall be subordinate to the lien of and security interest granted by the Indenture and subordinate in right of payment out of Airport Revenues to the prior payment of the Bond service charges on Revenue Bonds. Only the subordinate lien on Airport Revenues may secure repayment of the 2024 Subordinated Indebtedness under the applicable Supplemental Indenture.

Section 14. Municipal Advisors and Consultants. The Director of Finance may obtain the services of one or more Municipal Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance with respect to the 2024 Subordinated Indebtedness, Dealer Agreement, Revolving Credit Agreement and any Letter of Credit and/or Reimbursement Agreement. The Director of Finance may rely on the written advice of any Municipal Advisor so retained. The Director of Finance may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any 2024 Subordinated Indebtedness concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Municipal Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 15. Appointment of Successor Trustee. The Director of Finance is hereby authorized to appoint a successor Trustee in the event that the current Trustee, The Bank of New York Mellon Trust Company, N.A., shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 12.08 of the Trust Indenture.

Section 16. Authorization and Requirement of Declarations of Official Intent. The Director of Finance, in consultation with the Director of Port Control, is authorized to prepare and sign declarations of official intent in the form required by United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") with respect to original expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced for improvements to the Airport System and that is reasonably expected to be reimbursed from the proceeds of Tax-Exempt Subordinated Indebtedness or other obligations; to make appropriate reimbursement and timely allocations from the proceeds of the Tax-Exempt Subordinated Indebtedness or other obligations to reimburse such original expenditures; and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for original expenditures (other than expenditures excepted from such requirement under the Reimbursement Regulations) that are to be reimbursed subsequently from proceeds of Tax-Exempt Subordinated Indebtedness or other obligations, unless a declaration of official intent with respect thereto is made within the time required by the Reimbursement Regulations.

Section 17. Open Meeting Determination. It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 18. Separability. Each section of this Ordinance and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 19. Recitals. It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the 2024 Subordinated Indebtedness in order to make them legal, valid and binding special obligations of the City will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the 2024 Subordinated Indebtedness.

Section 20. Sunset of Authorization. The authority granted by Section 2 of this Ordinance to issue the 2024 Subordinated Indebtedness shall expire three years from the effective date of this Ordinance. If an Official Statement is distributed with respect to the establishment of the 2024 Commercial Paper Program under the authority of this Ordinance at any time within the three–year period following its effective date, then the authority granted by this Ordinance shall not expire as to that establishment of the 2024 Commercial Paper Program. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any 2024 Subordinated Indebtedness under the authority of this Ordinance.

Section 21. Emergency. This ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two–thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 374-2024

By Council Members: McCormack

An emergency ordinance consenting and approving the issuance of a permit for the Zombie Run and Lurch event, on September 22, 2024, managed by Hermes Sports & Events.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the Zombie Run and Lurch event, on September 22, 2024, managed by Hermes Sports & Events; START at Monroe Street Cemetery, 3207 Monroe Avenue; go west on Monroe Avenue; left on Fulton Road; right on Bailey Avenue; left on West 41st Street; jump onto the Redline Greenway; Turnaround; right on West 41st Street; right on Bailey Avenue; left on Fulton Road; right on Monroe Avenue; FINISH at Monroe Street Cemetery; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Ordinance No. 388-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance to amend Sections 367.99, 3103.09, 3104.02, 3104.06, 3106.01, 3106.05, and 3106.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1039-2023, passed February 5, 2024, relating to criminal and civil enforcement and vacant property registration and inspections.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Sections 367.99, 3103.09, 3104.02, 3104.06, 3106.01, 3106.05, and 3106.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1039-2023, passed February 5, 2024, are amended to read as follows:

Section 367.99 Penalty

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply with this Housing Code or with any order issued shall be guilty of a misdemeanor of the first degree. Each day of a continuing violation shall be deemed a separate offense.

Whoever causes or permits the continuation of any violation of this Housing Code or any rule or regulation promulgated hereunder or fails to comply with this Housing Code or with any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was made.

(b) Whoever violates Section 367.11 shall be guilty of a misdemeanor of the first degree.

(c) Whoever violates Section 367.12 or 367.13 shall be guilty of a misdemeanor of the first degree.

(d) Whoever violates Sections 365.02, 365.04 or 371.01 shall be guilty of a misdemeanor of the first degree. Each day of a continuing violation shall be deemed a separate offense.

(e) Whoever violates Sections 369.13, 369.14, 369.15, 369.16, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13, or Section 369.08, as a first offense shall be guilty of a minor misdemeanor. In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Whoever violates Sections 392.02, 392.021, 392.03, 392.04, or 392.05 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) Whoever violates Section 369.08 as a second offense of that section shall be guilty of a misdemeanor of the fourth degree. Whoever violates Section 369.08 as a third or subsequent offense of that section shall be guilty of a misdemeanor of the first degree.

(g) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the Department of Building and Housing fees for inspections of violations that have not been remedied, which fees are described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

<u>Section 3103.09 Unsafe Structures and Exterior Property Nuisances; Violations and Remedial Notices; Cost Recovery</u>

(a) *Legislative Findings*. Council of the City of Cleveland finds that:

(1) Structures that are vacant and open to entry at doors, windows or other points accessible to the general public:

A. Attract children to enter;

B. Become harborage for vermin;

C. Serve as temporary abode for derelicts, vagrants and criminals; and

D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding vacant, open structures invite the dumping of garbage and rubbish;

(3) Thousands of structures in this City are made of wood-frame construction that is more combustible than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, increasing the risk of conflagration and spread of insect and rodent infestation;

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures, high grass, weeds, junk, debris, and junk motor vehicles to increase significantly;

(6) Vacant, open structures often become dilapidated because they are not repaired by the owners or persons in control of the structures;

(7) Structures that are vacant and open to entry, high grass, weeds, junk, debris, and junk motor vehicles depress the market value of surrounding properties;

(8) Vacant and unsafe structures in which utility services have not been shut-off create a serious risk of explosion, accidental fire and flood.

(9) The existence of certain hazardous conditions may require a structure to be vacated; these conditions include but are not limited to:

A. Danger of structural collapse;

B. Inadequate heat or use of dangerous heating mechanism;

C. Danger of fire; and

D. Lack of plumbing in safe working order.

(10) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners;

(11) The following conditions provide harborage and breeding grounds for pests or otherwise create human-health problems:

A. Grass over eight (8) inches in height;

B. Noxious weeds including Russian, Canadian, common, or musk thistle; shatter cane; Johnsongrass; wild lettuce; wild mustard; wild parsley; wild parsnip; wild carrot; giant hogweed; ragweed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds, including those listed as prohibited noxious weeds in OAC 901:5-37-01, as it may be amended;

C. Refuse, including but not limited to, trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials;

D. Stagnant surface water.

(12) As used in this chapter, "junk" motor vehicle means a motor vehicle that meets all of the following criteria:

A. Three (3) model years' old or older;

B. Apparently inoperable; and

C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, motor, or transmission.

(b) *Declaration of Nuisance.*

(1) All buildings or structures that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or constitute a fire hazard, or are vacant and open to public entry, or are otherwise dangerous to human life or injurious to the public, or in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures". All unsafe structures or conditions are declared to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(2) The condition described under division (a)(8) of this section is declared to be a nuisance because of the risk of harm from explosion, accidental fire or flooding and shall be abated by shut-off of the services.

(3) The conditions listed in division (a)(11) of this section are declared to be nuisances that shall be removed, destroyed, or abated from any property on which they are found.

A. The Director may post a seventy-two (72) hour notice to abate any nuisance under division (a)(11) of this section and, if the nuisance is not abated within seventy-two (72) hours, may abate the nuisance on the property where the seventy-two (72) hour notice was posted.

B. If the nuisance for which the Director has posted a notice to abate is for the nuisance of high grass, noxious weeds, or related overgrowth or brush, or if notice has been posted for the same under Section 209.01, the Director may cause such nuisance to be abated or removed during the remainder of the growing season without further posting of notice. Such notice may be appealed during the remainder of the growing season under subsection (g) of this section.

(4) Junk motor vehicles as defined in division (a)(12) of this section are declared to be nuisances that shall be removed or abated from any property on which they are found. Junk motor vehicles are declared to be a nuisance because:

A. They harbor rodents, vermin, and other pests;

B. They contain toxic substances and flammable liquids and fumes;

C. They attract children to enter;

D. They serve as temporary abode for derelicts, vagrants and criminals;

E. They diminish neighboring property values; and

F. They are likely to be damaged by vandals or set ablaze by arsonists.

(c) *Effective Boarding Pending Rehabilitation.*

(1) *Permits*. Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within three (3) days of receiving a notice of violation, to the Department of Building and Housing for a permit to board. The Department of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within three (3) days of the issuance of a boarding permit, or within any other time limit that the Director deems appropriate. Structures that are boarded without first obtaining a boarding permit or structures that do not comply with the boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit on the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit after effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials.* The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. The openings shall be secured by plywood, not less than one-half (1/2) inch thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight (48) inches wide shall be framed with two (2) inches by four (4) inches lumber and plywood, or equivalent material fastened twenty-four (24) inches on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance.* Upon effectively boarding the structure, the owner shall monitor and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure that is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound, shall be removed or treated in a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation.* Rehabilitation of the structure shall begin within thirty (30) days of receiving a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976 unless the time period is extended with permission from the Director. If rehabilitation of the effectively boarded structure does not begin within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

(1) The Director is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of the examination.

(2) The Director may designate as a public nuisance those particular structures or conditions found to be unsafe under division (b) of this section.

(3) The Director may also declare that a nuisance structure which, due to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(4) Whenever the Director finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he or she may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter the premises to secure the structure in order to lessen the severity of the public nuisance. In securing the structure, the Director may call any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure and may notify utilities to shut-off service to the property under Section 3103.091. This securing shall not be deemed to constitute “effective boarding” under division (b) of this section, and it does not abate the nuisance condition of an unsafe structure, as declared under division (d)(2) of this section, unless so declared in writing by the Director. Later notice, issued under division (e)(1) below, shall include the fact that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or a portion of those to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this chapter, he or she shall provide to the owner, agent or person in control of the building, structure or portion of those and to any mortgagee of record a written notice of violation stating the defects in the building or structure. The notice of violation shall require the owner within a stated time to abate the nuisance condition of the building or structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition and removal of the building, structure, or a portion of those.

(2) The notice of violation under division (e)(1) of this section shall also state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs.

(3) A notice of violation under division (e)(1) of this section shall be served by one (1) or more of the following methods:

A. Personal service;

B. Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;

C. Certified mail~~;~~ to an address where it is reasonably calculated under the circumstances to reach the owner. When determining such an address, the City shall examine:

1. Information the responsible party provided to the City, such as rental registration information or the address used on an appeal or an application; or

2. Information that a City representative, such as an inspector, has discovered during the performance of their duties; or

3. Information from common and readily available sources such as printed or online directories, credit bureaus, county property records, board of election records, motor vehicle records, court records or other state, county, municipal or federal records.

The City is not required to use all of the sources described in division (e)(3)C. and is not required to use any one of them; the City must use whatever combination of them is reasonably expected to be successful. The address found can be the property or premises which is the subject of the violation.

D. Regular mail and posting as follows:

1. Regular mail service to the owner at an address found under division (e)(3) above, which may be the address of the property that is the subject of the violation; and

2. Regular mail service to the property address that is the subject of the violation notice if that address is different from the address in division (e)(3)D.1; and

3. Posting of the notice of violation on the building, premises or real estate or appurtenance thereto that is the subject of the violation notice.

E. Service made by publication electronically or once in a newspaper of general circulation in the City.

(4) An owner, agent or person in control of the structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees of the notice of violation or the notice to make corrections, or to demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or a portion of those after receiving a notice of violation to make

corrections, or to demolish and remove the same, without first providing the transferee with a copy of the notice.

(5) A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Revised Code, including the Ohio Building Code, or any outstanding notice to demolish and remove. No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, with the exception of those properties required to be registered under Chapter 3106, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained under this division and, within ten (10) days of the date of transfer, shall notify the Director, in writing, of the actions that will be taken to comply. If the grantee fails to provide a written plan, or to comply with the notice, within ten days, the grantee shall be in violation of Section 3103.25(e). If the Director considers the written plan to be acceptable, he or she shall notify the grantee and the grantee shall be bound by the written plan as an extension of time under the notice and shall be in violation of Section 3103.25(e) if the violations are not corrected by the time set forth in the written plan. If the Director considers the written plan to be unacceptable, he or she shall issue to the grantee a notice with dates for compliance.

(f) *Vacating Buildings and Prohibiting Use.* The Director may also require in the notice issued under division (e)(1) of this section that the building, structure or a portion of those be vacated, not be reoccupied, or used until the specified repairs and improvements are completed, inspected, and approved by the Director. The Director may cause to be posted at each entrance to the building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING." The notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove the notice without written permission of the Director, nor shall any person use or enter the building or structure except for the purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure under division (d)(4) of this section.

(g) *Right to Appeal.* The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he or she should not comply with the notice. Any notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in the notice from the Director. In the absence of an appeal, all actions taken shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

(1) *Director Authorized to Demolish, Remove, or Abate.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, the Director may take appropriate action to demolish and remove an unsafe structure or to remove or abate any condition that is defined as a nuisance under this chapter.

(2) *Action by Director of Law.* The Director may advise the Director of Law of the facts in the case, who may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of the building or structure pending rehabilitation.

(3) *Rehabilitation Permits Not Bar to Director's Action to Abate.* The securing of rehabilitation permits for the building or structure shall not in and of itself bar the Director from taking action to abate the nuisance.

(4) *Effective Boarding by Director.* The Director may, with respect to any condemned structure, also take appropriate action to effectively board the structure, or to secure it under division (d)(4) of this section. The Director shall specifically state in writing his or her findings with respect to the structure, and shall determine whether to secure or to effectively board, based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

(5) *Failure to Comply with Notice.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, or to remove or abate any other condition that is defined as a nuisance under this chapter, the Director may take appropriate action to take repair or maintenance measures or cause utility services to be shut-off under Section 3103.091 or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine

whether to perform repair or maintenance based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) *Notice of Intent to Demolish and Remove or Repair*. Except as provided in division (1) of this section, the Director shall give written notice as provided in this section to the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove or repair the unsafe building or structure at least thirty (30) days before the intended action by the City. The notice shall include a copy of the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that later becomes open to entry, upon a finding by the Director that the structure can no longer be effectively boarded, may then be demolished and removed, subject to the Director giving written notice as stated in this division (h)(6).

(i) *Junk Motor Vehicle Removal.*

(1) *Notice*. The Director shall send written notice, by certified mail with return receipt requested, to the person having the right of possession of the property on which a junk motor vehicle, as defined in this chapter, is left. This notice shall notify the person having right of possession of the property that within ten (10) days of mailing of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or removed from the property. The notice shall also be posted in a conspicuous place on the property.

(2) *Director Authorized to Remove Junk Motor Vehicles*. The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten (10) days of the date of mailing and posting of the notice as set forth above.

(j) *Cases of Emergency*. In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or a portion of those to be made safe or removed. For this purpose he or she may at once enter the structure or land on which it stands, or any abutting land or structure, with assistance and at the cost as he or she deems necessary. He or she may request the Director of Public Safety to enforce the orders he or she gives that are necessary to cause the building, structure or a portion of those to be made safe or removed. The Director of Public Safety has the authority to enforce the orders. He or she may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or other means as may be necessary, and for this purpose may close a public or private way.

(k) *Costs to Be Paid by Property Owner.*

(1) Any and all expenses or costs, including but not limited to attorneys fees, costs of inspection, administrative staff and support staff, property maintenance costs, court costs, title search fees, process server fees, skip tracing expenses, and costs of collection or prosecution, including discovery and deposition expenses, incurred under this section relating to the demolition, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money.

(2) Any and all owners of a building or structure, who appear in the chain of title from the time of receipt of a notice of condemnation until demolition of the building or structure, shall be jointly and severally responsible for all costs and expenses incurred relating to the demolition and all costs and expenses of prosecution or collection related thereto. In the case of a junk motor vehicle, any and all expenses or costs incurred under this section to remove the vehicle shall be paid by the person having the right of possession of the premises where the vehicle is located.

(3) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code, or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, a fee of one hundred dollars ($100.00) shall be charged for each inspection, except that this fee shall not apply to one (1) family and two (2) family owner-occupied dwelling structures.

(4) If within thirty (30) days from the date the Director of Building and Housing sends a statement of charges and costs incurred to the last known address of the property owner or the tax mailing address listed at the Cuyahoga County Recorder’s office and its successor in interest as the custodian of the real property tax records for Cuyahoga County, the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied, or the person having possession fails to pay for the cost of removing a junk vehicle, the Director may certify the amount to the Commissioner of Assessments and Licenses, including collection agency fees. The Commissioner of Assessments and Licenses may make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon the lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting under RC 715.261.

(5) Notwithstanding the method of collection set forth in this division, the Director of Law, in the Director's sole discretion, may take any action necessary to collect the costs of demolition, boarding, or other nuisance abatement from the owner or other responsible party, including but not limited to filing of legal proceedings, referring the amount due to outside counsel by the Law Director for collection action, including filing civil complaints, and initiating post judgment execution actions.

Section 3104.02 Civil Offenses

In addition to any other means of enforcement provided for in these Codified Ordinances, each of the following sections may be enforced through the issuance of a Notice of Civil Offense to the Responsible Parties:

1. Section 337.23 Accessory Uses in Residence Districts
2. Section 337.231 Portable Storage Containers
3. Section 347.02 Restrictions on the Keeping of Farm Animals and Bees
4. Section 347.08 Regulations for Trash Areas and Refuse Containers
5. Section 347.10 Temporary Use Permits
6. Section 347.121 Hookah Lounges and Vapor Lounges
7. Section 349.02 Existing Off-Street Parking Facilities
8. Section 349.04 Required Parking Spaces
9. Section 349.13 Permitted Garages and Parking Space in Residence Districts
10. Section 357.13 Yard Encroachments Permitted
11. Section 357.14 Yard Encroachments Prohibited
12. Section 365.02 Non-Owner-Occupied Residential Rental Unit Registration Required; Application for and Issuance of Certificate of Rental Registration; Certificate of Approving Rental Occupancy; Revocation
13. Section 365.04 Lead-Safe Certification Required for Residential Rental Units Built Before January 1, 1978
14. Section 369.08 Rubbish and Garbage Disposal
15. Section 369.13 General Maintenance Requirements
16. Section 369.14 Maintenance of Foundations
17. Section 369.15 Maintenance of Exterior Walls and Roof
18. Section 369.16 Maintenance of Interior Walls and Floors
19. Section 369.17 Infestation by Pests
20. Section 369.18 Exterior Property Areas
21. Section 369.19 Secondary or Appurtenant Structure
22. Section 371.03 Minimum Requirements for Fire-Protective Features
23. Section 371.05 Lighting of Public Hallways and Common Areas
24. Section 371.07 Rubbish and Garbage Disposal Facilities
25. Section 371.10 Sanitation Responsibilities of Owner and Occupant
26. Section 371.11 Required Heating Capacity
27. Section 371.13 Identification of Dwelling Units
28. Section 391.17 Maintenance
29. Section 392.02 Smoke Detection and Alarm Systems – Installation Required

30. Section 392.021 Carbon Monoxide Alarms; Installation Required in Rental Dwelling Units
31. Section 392.03 Testing, Inspection, and Notification
32. Section 392.04 Maintenance
33. Section 392.05 Tampering
34. Section 3101.10(e) Safety and Maintenance – Maintenance of Exterior Property Areas
35. Section 3101.11 Removal of Graffiti
36. Section 3103.09(f) Unsafe Structures and Exterior Property Nuisances; Violations and Remedial Notices; Cost Recovery - Vacating Buildings and Prohibited Use
37. Section 3103.091 Utility Shut-Off in Vacant and Unsafe Structures
38. Section 3103.10 Abandoned Service Stations
39. Section 3103.25 Violations Generally
40. Section 3105.01 Permits Required; Exceptions
41. Section 3105.02 Permit Applications; Plans and Specifications
42. Section 3105.05 Plans Required at Work Site
43. Section 3106.02 Duties of Responsible Party
44. Section 3106.03 Vacant Building Registration Required
45. Section 3106.04 Vacant Building Inspection, Obligation to Correct Violations, and Issuance of Certificate of Correction
46. Section 3106.06 Inspection Required for Transfer of Vacant Residential Property; Correction Required Following Transfer
47. Section 3109.11 Retractable Awnings
48. Section 3125.01 Protection of Excavations
49. Section 3141.05 Responsibility of Owner

Section 3104.06 Collection

The costs imposed by this Chapter may be enforced and collected by means of a civil action or any other means provided for in these Codified Ordinances or the Ohio Revised Code. The costs imposed under this Chapter may be recovered as provided in Revised Code Section 715.261, including certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

Section 3106.01 Definitions

For the purpose of this chapter, words and phrases shall have the following meanings:

(a) "Vacant building" or "vacant property" means a building that is not occupied by its owner, lessee or other person in lawful possession, and at which substantially all lawful business operations or substantially all residential occupancy has ceased, or which is substantially devoid of content. As used in this chapter, "vacant" shall have the same meaning as found in division (b) of Section 209.02.

(b) “Responsible Party” means the owner, Local Agent in Charge as defined in Section 365.01, other agent, lessee, or party in control of any vacant building, or a party that has filed and is currently maintaining an open foreclosure action regarding a vacant building.

(c) “Commercial building”, “commercial property,” and “commercial real estate” shall have the same meaning as “commercial real estate” in Revised Code Section 4703.20.

Section 3106.05 Bond Required for Registration of Non-Residential Property

(a) Upon registration of a commercial, industrial, or other non-residential vacant building of under or equal to 10,000 interior square feet, as of July 1, 2024, the Responsible Party shall provide a cash bond to the Director in the sum of five thousand dollars ($5,000). Upon registration of a commercial, industrial, or other non-residential vacant building of over 10,000 interior square feet, as of July 1, 2024, the Responsible Party shall provide a cash bond to the Director in the sum of fifteen thousand dollars ($15,000). Thereafter, the amounts may be adjusted by the City of Cleveland on an annual basis, beginning July 1, 2025, and each year thereafter in proportion to the Consumer Price Index for Northeast Ohio, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

Upon registration of a non-residential vacant property under Section 3106.03, the Responsible Party may apply to the Director for an exemption from the bond requirement in this Section. Upon such application, the Director may cause a vacant building inspection to occur at the vacant property. The exemption shall be granted only under one of the following conditions:

(1) The exemption shall be granted until the next annual registration of the property if the property is not boarded up and has not been boarded up by the City in the last three years; no Notices of Violation have been issued against the property with which the Responsible Party has not complied; no formal complaints regarding the Responsible Party’s ownership or maintenance of the property have been made in the last three years and were found meritorious; and the Responsible Owner is not delinquent regarding the vacant property’s property tax balance.

(2) The exemption shall be granted until the next annual registration of the property if the Responsible Party can demonstrate that there are reasonable and substantial plans to correct the property’s code violations; there has been substantial progress in correcting the property’s code violations; and appropriate permits have been filed.

(3) The exemption shall be granted indefinitely if the Owner is a Governmental Entity.

(b) Such bond may be used to ensure the continued maintenance of the property in compliance with the provisions of this Housing Code throughout its vacancy and to reimburse the City for any fees owed and expenses incurred in inspecting, securing, repairing and/ or making such building safe by any legal means including, but not limited to, demolition.

(c) If violations of the Codified Ordinances are identified by the City and their correction would cost more than the value of the bond required under division (a) of this section, then the City is authorized to require a higher bond, based on the amount set in the report of such inspection. If the Bond is entirely depleted, the Responsible Party shall provide another bond for the greater of the cost of repairing the remaining, uncorrected violations or the equivalent value as it was required to provide under division (a) of this section, whichever is greater.

(d) The bond obligations of this section shall apply until the property is no longer vacant or until title to the property has been transferred to a third party.

(e) When the property is no longer vacant or the title to the property has transferred, the remaining bond funds will be returned to the party making the deposit upon proof of compliance with this Chapter and if the owner submits a written request for such refund.

Section 3106.06 Inspection Required for Transfer of Vacant Residential Property; Correction Required Following Transfer

(a) To sell, transfer, or convey any interest in a residential vacant property, or enter into an agreement regarding the same, shall require a vacant building inspection that has occurred within one year of the sale date. In the event of resale within the one-year period, the vacant building inspection report shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

(b) Prior to selling, transferring, or conveying any interest in or entering into an agreement to sell, transfer or otherwise convey an interest in any vacant residential property, the Responsible Party shall provide a copy of a vacant building inspection that has occurred within one year of the proposed sale date to the prospective purchaser or title transferee prior to conveyance of the title.

(c) An agreement to sell, transfer or otherwise convey an interest in a vacant building shall include a copy of the vacant building inspection from the Director.

(d) Following transfer, the Responsible Party, with the exception of a Responsible Party that is a Governmental Entity, shall correct all code violations at the vacant property and bring the property into compliance with Section 365.04 within six months of transfer or, if the Director determines that the condition of the property poses a threat to health and safety such that it should be corrected within a lesser time, within a lesser time established by the Director. Failure to do so shall be a violation of Section 3103.25(e).

(1) The Responsible Party may request from the Director an extension of time to correct the code violations. Such a request shall be made at least 30 days before the end of the Responsible Party's time to comply, and the request shall be made on a form provided by the Director. No single extension may be for more than six months. Responsible Parties may request multiple extensions.

(2) The Director shall approve such a request for an extension so long as the request for an extension is reasonable, the buyer has made substantial progress in correcting the violations, and issuing an extension is in the best interests of the City. If such an extension is approved, then failure to make the corrections within the extended time shall be a violation of Section 3103.25(e).

(3) The Responsible Party may appeal any decision by the Director under this Section to the Board of Zoning Appeals, in writing within ten (10) days from the date of the Director's issuance of the decision. The Board may sustain, disapprove, or modify the Director's action, and the Board's decision shall be final.

Section 2. That existing Sections 367.99, 3103.09, 3104.02, 3104.06, 3106.01, 3106.05, and 3106.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1039-2023, passed February 5, 2024, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 1, 2024.

Effective April 3, 2024.

Resolution No. 344-2024

By Council Members: Conwell

An emergency resolution recognizing March 2024 as National Women's History Month.

WHEREAS, March is National Women's History Month and the National Women's History Alliance has designated the theme for Women's History Month 2024 as "Women Who Advocate for Equity, Diversity, and Inclusion"; and

WHEREAS, this theme recognizes the invaluable contributions of women who have dedicated themselves to advocating for equity, diversity, and inclusion in all aspects of society; and

WHEREAS, notable contributions of women in government go as far back as 1889, when, two years after women gained the right to vote in city elections in Kansas, Lucy Sullivan was elected mayor of Baldwin City, Kansas; also at that time, Baldwin City elected an entirely female city council; and

WHEREAS, together, these women passed laws improving Baldwin City's streets and sidewalks and constructed a bridge, making it easier to cross the muddy banks of the stream running through the town; and

WHEREAS, the "Women's Bridge" still stands today as a tribute to Mayor Lucy Sullivan and the all-women Baldwin City Council; and

WHEREAS, in 2024 we honor the women who have tirelessly worked to dismantle barriers, challenge prejudices, and create opportunities for all individuals, regardless of their background; and

WHEREAS, this Council especially recognizes women from Cleveland who were courageous and inspirational in their advocacy for equity, diversity and inclusion, including Council Woman Fannie M. Lewis, Clerk of Council Mercedes Cotner, Cuyahoga County Prosecutor and U.S. Representative Stephanie Tubbs Jones, journalist Dorothy Fuldheim, rock critic Jane Scott, and actress and civil rights advocate Ruby Dee, to name only a few; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council recognizes March 2024 as National Women's History Month.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted April 1, 2024.

Effective April 3, 2024.

Resolution No. 389-2024

By Council Members: Griffin

An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 13009 Buckeye Road.

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Tala Gas, Inc., 13009 Buckeye Road, Cleveland, Ohio 44120, Permit No. 8828456 to Buckeye Fuel, LLC, 13009 Buckeye Road, Cleveland, Ohio 44120, Permit No. 1071211; and

WHEREAS, the granting of this application for a liquor permit to this high-crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Tala Gas, Inc., 13009 Buckeye Road, Cleveland, Ohio 44120, Permit No. 8828456 to Buckeye Fuel, LLC, 13009 Buckeye Road, Cleveland, Ohio 44120, Permit No. 1071211; and requests the Superintendent of Liquor

Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council has returned to the Ohio Division of Liquor Control the Notice to Legislative Authority with respect to this transfer of ownership and has requested that a hearing on the advisability of issuing the permit be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted April 1, 2024.

Effective April 3, 2024.

Resolution No. 390-2024

By Council Members: Harsh

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 5603 Memphis Avenue, and repealing Resolution No. 1144-2023, objecting to said permit.

WHEREAS, this Council objected to a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General, Store #21950, 5603 Memphis Avenue, Cleveland, Ohio 44144, Permit No. 22348159375, by Resolution No. 1144-2023 adopted by the Council on October 2, 2023; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

WHEREAS, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That objection to the New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General, Store #21950, 5603 Memphis Avenue, Cleveland, Ohio 44144, Permit No. 22348159375, by Resolution No. 1144-2023 adopted by the Council on October 2, 2023; and containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted April 1, 2024.

Effective April 3, 2024.

Directory of City Officials

City Council

Cleveland City Hall
601 Lakeside Avenue, Room 220
Cleveland, Ohio, 44114
Phone: 216-664-2840
www.clevelandcitycouncil.org

President of Council – Blaine A. Griffin

City Clerk, Clerk of Council – Patricia J. Britt

Council Member	*Ward*
Joseph T. Jones	1
Kevin L. Bishop	2
Kerry McCormack	3
Deborah A. Gray	4
Richard A. Starr	5
Blaine A. Griffin	6
Stephanie D. Howse-Jones	7
Michael D. Polensek	8
Kevin Conwell	9
Anthony T. Hairston	10
Danny Kelly	11
Rebecca Maurer	12
Kris Harsh	13
Jasmin Santana	14
Jenny Spencer	15
Brian Kazy	16
Charles Slife	17

Permanent Schedule – Standing Committees of the Council 2022-2025

MONDAY – Alternating

9:30 a.m. – **Health, Human Services and the Arts Committee:** Conwell (CHAIR), Maurer (VICE-CHAIR), Gray, Harsh, Howse-Jones, Slife, Starr.

9:30 a.m. – **Municipal Services and Properties Committee:** Bishop (CHAIR), Starr (VICE-CHAIR), Hairston, Jones, Kazy, Kelly, Maurer.

MONDAY

2:00 p.m. – **Finance, Diversity, Equity and Inclusion Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Bishop, Conwell, Hairston, Kazy, Polensek, Santana, Spencer.

TUESDAY

1:30 p.m. – **Workforce, Education, Training and Youth Development Committee:** Santana (CHAIR), Howse-Jones (VICE-CHAIR), Gray, Jones, Slife, Spencer, Starr.

TUESDAY – Alternating

9:30 a.m. – **Development, Planning and Sustainability Committee:** Hairston (CHAIR), Santana (VICE-CHAIR), Harsh, Howse-Jones, Jones, McCormack, Spencer.

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Jones (VICE-CHAIR), Gray, Howse-Jones, Kelly, Slife, Starr.

10:00 a.m. – **Transportation and Mobility Committee:** McCormack (CHAIR), Slife (VICE-CHAIR), Bishop, Gray, Kazy, Maurer, Santana.

THURSDAY

10:0 a.m. – **Utilities Committee:** Kazy (CHAIR), Spencer (VICE-CHAIR), Bishop, Gray, Harsh, Kelly, Polensek.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Jones (CHAIR), Griffin, Hairston, Harsh, Starr.

Operations Committee: McCormack (CHAIR), Bishop, Conwell, Griffin, Maurer.

Rules Committee: Griffin (CHAIR), Conwell, Maurer, McCormack, Polensek.

City Departments

City Hall
601 Lakeside Avenue
Cleveland, OH 44114

MAYOR – Justin M. Bibb

Bradford J. Davy, Chief of Staff

Jeff Epstein, Chief of Integrated Development

Froilan Roy Fernando, Chief Technology and Innovation Officer

Sarah N. Johnson, Chief Communications Officer

Sonya Pryor-Jones, Chief of Youth and Family Success

Ryan M. Puente, Deputy Chief of Staff and Chief Government Affairs Officer

Bonnie Teeuwen, Chief Operating Officer

Michele Pomerantz, Chief of Education

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

Patrick M. Gallagher (Labor), Chair

Howard Bradley (Builder)

(Engineer)

Robert Maschke, Architect

Peggy Lipscomb, Alternate

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

Members: Alanna Faith, Nina Holzer, Priscilla Rocha, Arleesha Wilson

BUILDING AND HOUSING –

Sally Martin O’Toole, Director

Divisions:

Navid Hussain, Commissioner, Construction Permitting

Richard Riccardi, Assistant Commissioner, Construction Permitting

Thomas E. Vanover, Commissioner, Code Enforcement

CITY AUDIT COMMITTEE –

Members: Laura Armstrong, Chair; Council President Blaine A. Griffin; Law Director Mark D. Griffin; Diane Downing; Sharon Dumas; Thomas Raguz.

CITY PLANNING COMMISSION – Joyce Pan Huang, Director

Members: Lillian Kuri, Chair, Gloria Jean Pinkney, Council Member Charles Slife, August Fluker, Denise McCray, Isabella McKnight, Andrew Sargeant.

CIVIL SERVICE COMMISSION – Rachon Long, Assistant Director

Gregory E. Jordan, President; Michael Flickinger, Vice President; India Pierce Lee, Secretary; Daniel J. Brennan, Member; Cyrus L. Patton, Member

COMMUNITY DEVELOPMENT – Alyssa Hernandez, Director

Divisions:

Administrative Service – Joy Anderson, Commissioner

Office of Fair Housing and Consumer Affairs – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise Jackson, Commissioner

COMMUNITY POLICE COMMISSION – Jason Goodrick, Interim Executive Director

Members: John Adams, Shandra Benito, James M. Chura, Charles Donaldson, Jr., Kyle Earley, Alana Garrett-Ferguson, Cait Kennedy, Gregory Reaves, Janice Ridgeway, Piet van Lier, Audrianna Rodriguez, Teri Wang, Sharena Zayed.

COMMUNITY RELATIONS BOARD – Angela Shute-Woodson, Executive Director;

Members: Mayor Justin M. Bibb, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman; Council Member Kevin L. Bishop, Daniel McNea, Stephanie

Morrison-Hrbek, Roland Muhammad, Luz Pellot, Robert Render, III, Gia Hoa Ryan, Council Member Richard Starr, Jay Westbrook, Peter Whitt.

ECONOMIC DEVELOPMENT – Thomas S. McNair, Director

FINANCE – Ahmed Abonamah, Director

Divisions:

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

City Treasury – James Hartley, Treasurer

Financial Reporting and Control – James Gentile, Controller

Information Technology and Services –
Kimberly Roy Wilson, Commissioner

Internal Audit – Natasha Brandt, Manager

Printing and Reproduction – Michael Hewett, Commissioner

Purchases and Supplies – Tiffany White Johnson, Commissioner

Sinking Fund Commission – Betsy Hruby, Manager

Taxation – Kevin Preslan, Commissioner and Income Tax Administrator

Treasury – James Hartley, Treasurer

HUMAN RESOURCES – Matthew J. Cole, Director

Rachon N. Long, Assistant Director

LANDMARKS COMMISSION –

Members: Julie Trott-Heisey, Chair; Robert S. Strickland, Vice Chair; Michele Anderson; Allan Dreyer; Mark Duluk, City of Cleveland Architecture and Site Development; Councilwoman Deborah A. Gray; Cleveland City Planning Commission Director Joyce Huang; Christopher Loeser; Michael R. Sanbury; Raymond Tarasuck, Jr.; Dr. Regennia Williams.

LAW – Mark D. Griffin, Director

Michele Comer, Chief Counsel

Ronda Curtis, Chief Corporate Counsel

Elena Boop, Chief Trial Counsel

Aqueelah Jordan, Chief Prosecutor

Delanté Spencer Thomas, Chief Ethics Officer

John Skrtic, Law Librarian

MAYOR'S OFFICE OF CAPITAL PROJECTS – James D. DeRosa, Director

Divisions:

Architecture and Site Development – Carter Edman, Manager Engineering and Construction – Richard J. Switalski, Manager Real Estate – Susanne Degennaro, Commissioner

MAYOR'S OFFICE OF EQUAL OPPORTUNITY – Tyson Mitchell, Director

MAYOR'S OFFICE OF URBAN ANALYTICS AND INNOVATION – Elizabeth Crowe, Director

MAYOR'S OFFICE OF SUSTAINABILITY – Sarah O'Keeffe, Director

PORT CONTROL – Bryant L. Francis, Director

Divisions:

Cleveland Hopkins International Airport & Burke Lakefront Airport – Khalid Bahhur, Commissioner of Airports

Burke Lakefront Airport – Tony Campofredano, Airport Leader

PUBLIC HEALTH – David Margolius, M.D., Director

Divisions:

Air Quality – David Hearne, Interim Commissioner

Environment – Wallace L. Chambers, Jr., Commissioner

Health – Frances Mills, Commissioner

Health Equity and Social Justice – Lita Marie Wills, Commissioner

Vital Statistics – Andrea Kacinari, City Registrar

PUBLIC SAFETY – Dornat A. Drummond, Interim Director

Divisions:

Animal Control Services – Cory Keller, Chief Animal Control Officer

Emergency Medical Service – Orlando Wheeler, Commissioner

Emergency Operations Center – Nicole Carlton, Assistant Director

Fire – Anthony P. Luke, Chief

Police – Dorothy A. Todd, Chief

Professional Standards – Roger C. Smith, Administrator

PUBLIC UTILITIES – Martin J. Keane, Director

Divisions:

Cleveland Public Power – Ammon Danielson, Commissioner

Radio Communications – Brad Handke, Manager

TV 20 – Kathy Allen, General Manager

Utilities Fiscal Control – Catherine Troy, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Ramona Lowery-Ferrell, Commissioner

PUBLIC WORKS – Frank D. Williams, Director

Administration:

Administration – John Laird, Manager

Susie Claytor, Executive Commissioner, Public Auditorium

Kim Johnson, Interim Executive Commissioner, Prevention, Intervention and Opportunity for Youth and Young Adults

Divisions:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Neighborhood Resource and Recreation Centers – Samuel Gissentaner, Commissioner

Park Maintenance and Properties – Toi Porch, Interim Commissioner

Parking Facilities – Kim Johnson, Commissioner

Property Management – Tom Nagle, Commissioner

Streets – Randell Scott, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Terrell H. Pruitt, Commissioner

WORKFORCE DEVELOPMENT & OHIO MEANS JOBS –
CLEVELAND/CUYAHOGA COUNTY – Michelle Rose, Executive Director

Cleveland Municipal Court

Justice Center
1200 Ontario Street
Cleveland, Ohio, 44113
www.clevelandmunicipalcourt.org

Judge	*Courtroom*
Presiding and Administrative Judge Michelle D. Earley	14-C
Judge Marilyn B. Cassidy	13-A
Judge Mark R. Majer	12-B
Judge Lauren C. Moore	15-A
Judge Andrea Nelson Moore	12-A
Judge Michael L. Nelson, Sr.	15-C
Judge Ann Clare Oakar	14-A
Judge Charles L. Patton, Jr.	14-B
Housing Court Judge W. Moná Scott	13-B
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	13-D
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts
Russell R. Brown, III – Court Administrator
Belinda Gest – Housing Court Administrator
Robert J. Furda – Chief Bailiff
Dean Jenkins – Chief Probation Officer
Gregory F. Clifford – Chief Magistrate

City Links

Board of Building Standards and Building Appeals
http://planning.city.cleveland.oh.us/bza/bbs.html

Board of Zoning Appeals
http://planning.city.cleveland.oh.us/bza/cpc.html

City Bids

Invitations to Bid
http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/BID

Requests for Proposals/Requests for Qualifications
http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP

Cleveland Water
http://www.clevelandwater.com/work-with-us/invitations-to-bid

Water Pollution Control
http://wpc.clevelandwater.com/?page_id=3342

Cleveland Airports
https://www.clevelandairport.com/about-us/business-cle/bids-rfps

City Jobs
http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/HumanResources

https://www.governmentjobs.com/careers/cleveland

City of Cleveland
http://www.city.cleveland.oh.us/

City of Cleveland Charter and Codified Ordinances
https://codelibrary.amlegal.com/codes/cleveland/latest/overview

Civil Service Commission
http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission

Cleveland City Council
http://www.clevelandcitycouncil.org/

Cleveland Courts

Cleveland Municipal Court
http://clevelandmunicipalcourt.org/home.html

Clerk of Courts – Cleveland Municipal Court
https://clevelandmunicipalcourt.org/clerk-of-courts

Cleveland Housing Court
http://clevelandhousingcourt.org/