# The City Record

***Official Publication of the Council of the City of Cleveland***

---

# June 7, 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](http://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.**

# Official Proceedings
# City Council

Cleveland, Ohio
Monday, June 3, 2024

The meeting of the Council was called to order at 7:35 p.m. with the President of Council, Blaine A. Griffin, in the Chair.

Council Members present: Kevin L. Bishop, Kevin Conwell, Deborah A. Gray, Blaine A. Griffin, Anthony T. Hairston, Kris Harsh, Stephanie D. Howse-Jones, Joseph T. Jones, Brian Kazy, Danny Kelly, Rebecca Maurer, Kerry McCormack, Michael D. Polensek, Jasmin Santana, Charles Slife, Jenny Spencer, Richard A. Starr.

Also present were: Mayor Bibb; Chiefs Davy, Epstein, Griffin, Johnson, Pomerantz, Teeuwen; Directors Crowe, DeRosa, Drummond, Francis, Hernandez, Keane, Margolius, McNair, McNamara, Mitchell, O'Keeffe, Pan Huang, Shute-Woodson; Senior Strategist Davis.

Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection, and the Pledge of Allegiance.

## MOTION

On the motion of Council Member Santana, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Gray.

# Communications

**File No. 661-2024**
From Mayor Justin M. Bibb. Appointments to Fair Employment Wage Board. Received.

## From Ohio Division of Liquor Control

**File No. 657-2024**
#7215937. Transfer of Location Application, D5 D6. Raul LLC, 2417 Professor Avenue (Ward 3). Received.

**File No. 658-2024**
#4189185. Transfer of Location Application, C2. Jabco Inc. of Cleveland III, 3575 West 117th Street (Ward 11). Received.

**File No. 659-2024**
#4182381. Transfer of Ownership Application, C1 C2 D6. JAI AMBE 2716 Inc., 14302 Puritas Avenue (Ward 16). Received.

**File No. 660-2024**
#7591238. Transfer of Ownership Application, C2 C2X. Ruhi Beverage LLC, 14801 Puritas Avenue (Ward 16). Received.

# Ordinances and Resolutions

## Ceremonial Resolutions

Ceremonial resolutions are used by Council to recognize dignitaries and community members, and their accomplishments.

**Resolutions of Condolence**
The Rules were suspended, and the following Resolutions were adopted by a rising vote:

| | | |
|---|---|---|
| Conwell | Res. No. 669-2024 | Michael Yates |
| Griffin | Res. No. 670-2024 | Rose Thomas |
| Griffin | Res. No. 671-2024 | Jonelle Haynes Perry |
| Hairston | Res. No. 672-2024 | Joyce M. Jackson |
| Jones | Res. No. 673-2024 | Corine Cavanaugh |
| McCormack | Res. No. 674-2024 | James C. O’Connor |
| Spencer | Res. No. 675-2024 | Antonio Ruggerio |
| Howse-Jones | Res. No. 694-2024 | Lucille Morton |
| Hairston | Res. No. 695-2024 | Joyce Davis |

**Resolutions of Congratulations**
The Rules were suspended, and the following Resolutions were adopted by a rising vote:

| | | |
|---|---|---|
| All Members of Council | Res. No. 676-2024 | Kathy Allen |
| Jones | Res. No. 677-2024 | Reverend Emmitt Theophilus Caviness |
| Kelly | Res. No. 678-2024 | Karen Bridegum |
| Kelly | Res. No. 679-2024 | Brian P. O’Donnell |
| Kelly | Res. No. 680-2024 | John Stickovich |
| Kelly | Res. No. 681-2024 | Cleveland Division of Fire, Engine #33 |

| | | |
|---|---|---|
| Kelly | Res. No. 682-2024 | Cleveland Division of Fire, Engine #38 |
| Kelly | Res. No. 683-2024 | Cleveland Division of Fire, Engine 39 |
| Kelly | Res. No. 684-2024 | Cleveland Division of Fire, Ladder #4 |
| Kelly | Res. No. 685-2024 | Cleveland Division of Fire, Ladder #23 |
| Kelly | Res. No. 686-2024 | Cleveland Division of Fire, Technical Rescue #2 (TR2) |
| Kelly | Res. No. 687-2024 | Cleveland Division of Fire, Battalion #3 |
| Kelly | Res. No. 688-2024 | Cleveland Division of Fire, AC1 |
| Polensek | Res. No. 689-2024 | Laura Robinson |
| Spencer | Res. No. 690-2024 | The Great Lakes Towing Company and Great Lakes Shipyard – 125th Anniversary |

**Resolutions of Recognition**
The Rules were suspended, and the following Resolutions were adopted by a rising vote:

| | | |
|---|---|---|
| Conwell | Res. No. 691-2024 | Morelle McCane |
| Conwell | Res. No. 692-2024 | Beth-El African Methodist Episcopal Zion Church |

**Resolution of Commemoration**
The Rules were suspended, and the following Resolutions were adopted by a rising vote:

| | | |
|---|---|---|
| Jones | Res. No. 693-2024 | Lois Swanson |

# Ordinances and Resolutions

# First Reading Emergency Ordinances Referred

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

These ordinances were read for the first time on Monday, June 3, 2024, and referred to the appropriate City departments and Council Committees for review.

**Click on an ordinance below to read it:**

| | |
|---|---|
| Ord. No. 612-2024 | Ord. No. 630-2024 |
| Ord. No. 613-2024 | Ord. No. 632-2024 |
| Ord. No. 614-2024 | Ord. No. 633-2024 |
| Ord. No. 623-2024 | Ord. No. 634-2024 |
| Ord. No. 624-2024 | Ord. No. 637-2024 |
| Ord. No. 625-2024 | Ord. No. 638-2024 |
| Ord. No. 626-2024 | Ord. No. 639-2024 |
| Ord. No. 627-2024 | Ord. No. 640-2024 |
| Ord. No. 628-2024 | Ord. No. 641-2024 |
| Ord. No. 629-2024 | Ord. No. 642-2024 |

| | |
|---|---|
| Ord. No. 643-2024 | Ord. No. 663-2024 |
| Ord. No. 644-2024 | Ord. No. 664-2024 |
| Ord. No. 645-2024 | Ord. No. 665-2024 |
| Ord. No. 646-2024 | Ord. No. 666-2024 |
| Ord. No. 662-2024 | Ord. No. 667-2024 |

**Ordinance No. 612-2024**

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

**An emergency ordinance authorizing the Director of Public Works to execute one deed of permanent easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights at several City-owned properties located along Belvoir Boulevard within NEORSD's Nine Mile Creek Debris Rack Project area and declaring the easement rights not needed for the City's public use.**

**WHEREAS**, the Northeast Ohio Regional Sewer District ("NEORSD") is conducting its Nine Mile Creek Rack Debris Rack Project to install a debris rack along Nine Mile Creek within land owned by the City adjacent to Belvoir Boulevard which will help protect the existing culvert that runs under Belvoir Boulevard from damage and clogging caused by large woody debris and from possible flooding downstream (the "Nine Mile Creek Project"); and

**WHEREAS**, NEORSD has requested the Director of Public Works to convey one deed of permanent easement and two deeds of temporary easement at City-owned properties which are located along Belvoir Boulevard to allow NEORSD to construct and maintain the Nine Mile Creek Project; 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, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City's public use:

**Permanent Easement**
**117-08-001-P1**
**0.1405 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows:

Beginning at a point on the southerly line of Original Lot No. 51, said point being distant, North 88° 55' 11" East, 16.96 feet from the intersection of said northerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the southerly outline of said land conveyed to the City of Cleveland;

Thence, leaving said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands, North 33° 59' 22" East, 72.62 feet;

Thence, North 41° 26' 39" East, 38.36 feet;

Thence, North 47° 13' 33" East, 37.79 feet;

Thence, North 51° 26' 39" West, 26.21 feet;

Thence, South 75° 15' 37" West, 42.95 feet to said easterly right of way of Belvoir Boulevard;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 35.82 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 71° 11' 21" East, 28.97 feet;

Thence, North 39° 36' 50" East, 24.80 feet;

Thence, North 54° 29' 24” East, 29.11 feet;

Thence, South 13° 09' 48" East, 43.12 feet;

Thence, South 15° 34' 39" West, 45.62 feet;

Thence, South 30° 39' 23" West, 7.58 feet;

Thence, South 47° 44' 54" West, 40.01 feet;

Thence, South 41° 37' 31" West, 36.58 feet;

Thence, South 30° 43' 24" West, 51.37 feet;

Thence, South 42° 10' 15" West, 9.99 feet to said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands;

Thence, binding on said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands, South 88° 55' 11" West, 18.89 feet to the point of beginning.

Containing within said bounds 0.1405 acres (6,120 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that temporary easement interests in the following described properties are not needed for the City's public use:

**Temporary Easement**
**117-18-001-T-1**
**0.0603 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point at the intersection of the southerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the southerly outline of said land conveyed to the City of Cleveland;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 37.82 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 54° 44' 39" East, 47.05 feet;

Thence, North 21° 58' 36" East, 71.38 feet;

Thence, North 75° 15' 37" East, 11.24 feet;

Thence, South 51° 26' 39" East, 26.21 feet;

Thence, South 47° 13' 33" West, 37.79 feet;

Thence, South 41° 26' 39" West, 38.36 feet;

Thence, South 33° 59' 22" West, 72.62 feet to said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands;

Thence, binding on said southerly line of said Original Lot No. 51 and said southerly outline of City of Cleveland lands, South 88° 55' 11" West, 16.96 feet to the point of beginning.

Containing within said bounds 0.0603 acres (2,627 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

**Temporary Easement**
**117-18-001-T-2**
**0.0869 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point on the southerly line of Original Lot No. 51, said point being distant, North 88° 55' 11" East, 35.85 feet from the intersection of said southerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the outline of said land conveyed to the City of Cleveland;

Thence, leaving said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands, North 42° 10' 15" East, 9.99 feet;

Thence, North 30° 43' 24" East, 51.37 feet;

Thence, North 41° 37' 31" East, 36.58 feet;

Thence, North 47° 44' 54" East, 40.01 feet;

Thence, North 30° 39' 23" East, 7.58 feet;

Thence, North 15° 34' 39" East, 45.62 feet;

Thence, North 13° 09' 48" West, 43.12 feet;

Thence, South 54° 29' 24" West, 29.11 feet;

Thence, South 39° 36' 50" West, 24.80 feet;

Thence, South 71° 11' 21" West, 28.97 feet to said easterly right of way of Belvoir Boulevard;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 13.08 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 53° 00' 20" East, 39.39 feet;

Thence, North 54° 25' 57" East, 43.98 feet;

Thence, South 16° 44' 57" East, 69.53 feet;

Thence, South 85° 56' 14" East, 28.52 feet;

Thence, South 58° 36' 07" East, 10.07 feet;

Thence, South 59° 39' 50" West, 74.93 feet;

Thence, South 47° 44' 52" West, 40.50 feet;

Thence, South 41° 37' 31" West, 35.83 feet;

Thence, South 30° 43' 24" West, 51.39 feet:

Thence, South 42° 10' 15" West, 5.79 feet to said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands;

Thence, binding on the said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands, South 88° 55' 11" West, 6.86 feet to the point of beginning.

Containing within said bounds 0.0869 acres (3,786 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement interests to the NEORSD subject to any conditions stated in this ordinance at an appraised price of $1.00 and other valuable consideration, which is determined to be fair market value.

**Section 4.** That the purpose of the permanent easement is to construct and maintain the Nine Mile Creek Project and the purpose of the temporary easement is for construction access to Nine Mile Creek Project site and staging.

**Section 5.** That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until construction of the Nine Mile Creek Project is completed, that the permanent easement and temporary easements may include reasonable right-of-entry rights to the City; that the permanent easement and temporary easements shall be assignable without the consent of the Director of Public

Works; that the permanent easement and temporary easements shall require that the NEORSD or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

**Section 6.** That the conveyances referred to above shall be made by official deed of easement and official deeds of temporary easements prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of permanent easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

**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.

**Referred to Directors of Public Works; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 613-2024**

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

**An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into one or more agreements with Land Assembly for Neighborhood Development, Ltd., or its designee, providing for the option to purchase and sale of City owned property and to enter into one or more agreements with STA Realty, Inc., and Land Assembly for Neighborhood Development, Ltd., or their successors and assigns, providing for the purchase of certain real properties located primarily in the Upper Chester area of the Hough neighborhood.**

**WHEREAS**, the Department of Community Development desires to enter into one or more agreements with Land Assembly for Neighborhood Development, Ltd., or its designee ("LAND"), a subsidiary of Cleveland Neighborhood Progress, providing for the option to purchase and sale of seventeen real properties owned by, or under the control of, the Department of Community Development located in the Jefferson and Collinwood neighborhoods and the purchase of eight properties owned by STA Realty, Inc., or its successors and assigns ("STA"), and one property owned by LAND in the Upper Chester area of the Hough neighborhood; and

**WHEREAS**, the City properties are no longer needed for the City's public use; and

**WHEREAS**, sixteen of the City properties to be transferred to LAND, Permanent Parcel Nos. 021-26-059, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-07-035, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134, are components of the City of Cleveland's land reutilization program and, as such, can be sold under Section 5722.07 of the Revised Code for not less than fair market value under the policies of the Land Reutilization Program subject to such restrictions and covenants as appropriate to assure the land's effective reutilization; 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to enter into a five-year Option to Purchase Agreement for and on behalf of the City of Cleveland with LAND providing for the sale of real property, including transfer of fee title to LAND of the following described properties: Permanent Parcel Nos. 021-26-059, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-

078, 113-04-079, 113-04-080, 113-07-035, 113-25-007, 113-025-008, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134.

**Section 2.** That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey, under the five-year Option Agreement, Permanent Parcel No. 113-025-008 to LAND at a price not less than $145,700.00, which is determined to be fair market value and the sixteen Permanent Parcel Nos. 021-26-059, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-07-035, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134 currently in the Land Bank at a gross price of $151,310.00, which is determined to be fair market value. The cost of the five-year Option Agreement and the City parcels are determined to be the same as the acquisition price in Section 4 below.

**Section 3.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the agreement shall also provide that the Mayor and Commissioner of Purchases and Supplies are authorized to acquire the following eight Permanent Parcels from STA and one Permanent Parcel from LAND for purposes of future development in the Upper Chester area of the Hough neighborhood:

| STA Permanent Parcel Numbers | Address |
|---|---|
| 119-09-002 | 1819 East 89th Street |
| 119-09-073 | 9277 Amesbury Avenue |
| 119-12-026 | 10012 Lamont Avenue |
| 119-12-078 | 9726 Woodward Avenue |
| 119-12-079 | 9728 Woodward Avenue |
| 119-12-080 | 9732 Woodward Avenue |
| 119-12-081 | 9802 Woodward Avenue |
| 119-12-098 | Woodward Avenue |

| LAND Permanent Parcel Number | Address |
|---|---|
| 119-09-057 | 1755 East 90th Street |

**Section 4.** That the consideration to be paid for the properties described in Section 3 above shall not exceed fair market value of $297,010.00 and is determined to be the same as the cost of the five-year Option Agreement and parcels to be sold in Section 2 above.

**Section 5.** That all costs of acquiring, accepting, and recording the land shall be paid from funds approved by the Director of Finance.

**Section 6.** That the agreements authorized shall be prepared by the Director of Law and shall include assurances that the exchanges were conducted using fair market values, as determined by the Board of Control; and that the City properties being transferred to LAND are subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization.

**Section 7.** That the conveyances referred to above shall be made by official deeds prepared by the Director of Law and executed by the Mayor and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The deeds shall contain provisions necessary to protect the parties and their respective interests, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the City's interests and shall specifically contain provisions against the erection of any advertising signs or billboards, excepting permitted identification signs.

**Section 8**. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties identified in this ordinance and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of the properties.

**Section 9.** 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.

**Referred to Directors of Community Development; City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 614-2024**

**By Council Members:** Kelly

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Variety Properties, LLC or designee to provide economic development assistance to partially finance costs associated with renovating the vacant Variety Theater building.**

**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 Economic Development is authorized to enter into a grant agreement with Variety Properties, LLC or designee to provide economic development assistance to partially finance costs associated with renovating the vacant Variety Theater building located at 11801-11825 Lorain Avenue in Ward 11. Costs include but are not limited to construction and renovation, acquisition of equipment, furniture, fixtures, EV Charging Stations, soft costs, consulting fees, environmental assessments and remediation, landscaping, signage and other eligible costs associated with redevelopment of the vacant building.

**Section 2.** That the costs of the grant shall not exceed $100,000 and shall be paid from Fund No. 10 SF 400.

**Section 3.** That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 4.** That the contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

**Section 5.** 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.

**Referred to Directors of Economic Development; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 623-2024**

**By Council Members:** Conwell and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Homeland Security for BioWatch Program; and authorizing the Director to enter into various written standard purchase and requirement contracts for courier services needed to transport BioWatch samples to the Ohio Department of Health for testing.**

**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 Health is authorized to apply for and accept a grant in the approximate amount of $392,667 and any other funds that become available during the grant term, from the United States Department of Homeland Security to conduct the BioWatch Program in accordance with the purposes set forth in the executive summary; that the Director of Public Health 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 in the executive summary for the grant.

**Section 2.** That the executive summary for the grant, **File No. 623-2024-A,** made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 4.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**Section 5.** That the Director of Public Health is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of courier services needed to transport BioWatch samples to the Ohio Department of Health for testing, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Air Quality, Department of Public Health. 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.

**Section 6.** 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 Health 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 7.** That the costs of the standard and requirement 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 contracts, 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. (RQS 5007, RLA 2024-62)

**Section 8.** 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.

**Referred to Directors of Public Health; Finance; and Law; Committees on Health Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 624-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with CHN Housing Partners to administer energy, water, and sewer conservation services to low-income homeowners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed one year, with one option to renew for a period or periods not to exceed one year, exercisable by the Director of Public Utilities.**

**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 Utilities is authorized to enter into one or more agreements with CHN Housing Partners to administer energy, water, and sewer conservation services to low-income homeowners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed one year, with one option to renew for a period or periods not to exceed one year, exercisable by the Director of Public Utilities.

**Section 2.** That the cost of the agreement or agreements authorized shall not exceed $900,000 and shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, RQS 2002, RL 2024-56.

**Section 3.** That the agreement or agreements shall be prepared by the Director of Law.

**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.

**Referred to Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 625-2024**

**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. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport.**

**WHEREAS**, under the authority of Ordinance No. 742-12, passed August 8, 2012, the Director of Port Control entered into Contract No. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport; and

**WHEREAS**, Ordinance No. 742-12 requires further legislation before exercising the first option to renew on this 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. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 742-12 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.

**Referred to Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 626-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Motorola Solutions, Inc. for continued support and maintenance of the Motorola 800 MHz Project 25 radio system, including but not limited to, the purchase or rental of replacement or upgraded radio system equipment, for the Office of Radio Communications' administration, oversight, and regulation of the City's radio communications system under the Department of Public Utilities, for a period not to exceed five years.**

**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 Motorola Solutions, Inc. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Motorola Solutions, Inc., on the basis of its proposal dated August 30, 2023, and for a period not to exceed five years, for continued support and maintenance of the Motorola 800 MHz Project 25 radio system, including but not limited to, infrastructure repair and support, the purchase or rental of software and firmware upgrades, radio subscriber repair and service, training, subscriptions, upgraded radio system equipment, labor, and supplies, to be purchased or rented by the Commissioner of Purchases and Supplies on a unit basis, for the Office of Radio Communications' administration, oversight, and regulation of the City's radio communications system under the Department of Public Utilities.

**Section 2.** 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 by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2001, RL 2024-19)

**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.

**Referred to Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 627-2024**

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

**An emergency ordinance authorizing the Director of Port Control to lease certain office space located at Burke Lakefront Airport to conduct business as an architectural and engineering firm, for a term of one year, with three one-year options to renew, exercisable by the Director of Port Control.**

**WHEREAS**, the City of Cleveland owns certain office space located at Burke Lakefront Airport which is not needed for the City's public use; and

**WHEREAS,** CHA Consulting, Inc. ("the Lessee") has proposed to lease the property from the City for the purpose of conducting business as an architectural and engineering firm; 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and at the direction of the Board of Control, the Director of Port Control is authorized to lease to Lessee, for the use and occupancy of approximately 4,350 square feet of office space located at Suite 221 on the second floor of the passenger terminal building at Burke Lakefront Airport to conduct business as an architectural and engineering firm.

**Section 2.** That the term of the lease authorized by this ordinance shall be for a one-year period, with three one-year options to renew, exercisable by the Director of Port Control.

**Section 3.** That the per annum rental rate shall be at an initial rental rate based on an independent third-party appraisal and for each year after the initial term on the effective date of the Lease, the rental rate shall be adjusted based on the United States Department of Labor, Consumer Price Index: "All Urban Wage Earners and Clerical Workers; however, never lower than the rate during the initial term.

**Section 4.** That the lease may authorize the Lessee to make improvements to, and maintain, the leased premises at its cost subject to the approval of appropriate City agencies and officials.

**Section 5.** That the lease shall be prepared by the Director of Law.

**Section 6.** That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

**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.

**Referred to Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 628-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Hach Company for laboratory supplies and chemicals needed for the proprietary equipment manufactured by the Hach Company, for the Division of Water, Department of Public Utilities, for a term of two years.**

**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 Hach Company. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Hach Company, on the basis of its proposal dated April 18, 2024, of the requirements for a term of two years for laboratory supplies and chemicals needed for the proprietary equipment manufactured by the Hach Company used to test drinking water, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

**Section 2.** 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 by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2024-20)

**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.

**Referred to Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 629-2024**

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

**An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. PS 2023-71 with AvAir Pros Services, Inc. for improving the in-line baggage handling system at Cleveland Hopkins International Airport.**

**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 make the following alterations and modifications in Contract No. PS 2023-71 with AvAirPros Services, Inc. for improving the in-line baggage handling system at Cleveland Hopkins International Airport:

Subsidiary Additions

AvAirPros Services, Inc. submitted a proposal in early 2022 to perform upgrades to the in-line baggage handling system at Cleveland Hopkins International Airport. After entering into an agreement with the Department of Port Control in mid-2023, AvAirPros Services, Inc. conducted a competitive bid process for the aforementioned services. Due to high inflation, the competitive bid resulted in construction estimates that were well above what was proposed in 2022.

Subsidiary Additions $1,000,000

| | |
|---|---|
| Original Contract Amount | $ 2,500,000 |
| Total Subsidiary Additions | + 1,000,000 |
| New Contract Amount | $ 3,500,000 |

This alteration has been recommended in writing by the Director of Port Control, countersigned by the Mayor, and consented to by the surety on the Contract. The price to be paid for the alterations and modifications to the contract have been agreed upon in writing and signed by the Director of Port Control and the Contractor.

**Section 2.** That this alteration will cause an increase in the amount of the original contract in the sum of $1,000,000 to be paid from Fund No. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 141, 60 SF 167, and 60 SF 170. (RQS 3001, RL 2022-78)

**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.

**Referred to Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 630-2024**

**By Council Members:** Polensek and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Safety to enter into one or more mutual aid agreements with the Cities of Milwaukee, Wisconsin and Chicago, Illinois for additional law enforcement services for aid and assistance and accept reimbursement for such services in connection with the Republican National Convention and Democratic National Convention being held in Milwaukee from July 15 to 18, 2024, and in Chicago from August 19 to 22, 2024, along with associated events and activities on days before and after the dates of the Conventions, or in the alternative, to accept reimbursement for services and related expenses from the State of Ohio.**

**WHEREAS**, it is the intent of the City of Milwaukee, Wisconsin to provide for, and mutually enhance, the law enforcement services of Milwaukee and other municipalities in the Greater Milwaukee, Wisconsin area during the Republican National Convention ("RNC"), a National Security Event, to be held in Milwaukee from July 15, 2024 through July 18, 2024, and during the associated events, activities, and security concerns in the days before and after the RNC for the benefit of the public safety and welfare; and

**WHEREAS**, it is the intent of the City of Chicago, Illinois, to provide for, and mutually enhance, the law enforcement services of Chicago and other municipalities in the Greater Chicago, Illinois area during the Democratic National Convention ("DNC"), a National Security Event, to be held in Chicago from August 19, 2024 through August 22, 2024, and during the associated events, activities, and security concerns in the days before and after the DNC for the benefit of the public safety and welfare; and

**WHEREAS**, the Cities of Milwaukee and Chicago have requested or may request the aid of the Cleveland Division of Police to provide sufficient law enforcement for the Conventions and the Cleveland Division of Police desires to provide such assistance for the benefit of the public safety and for the education of selected members in dealing with large scale security events; 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 Public Safety is authorized to enter into one or more mutual aid agreements with City of Milwaukee, Wisconsin, for additional law enforcement services and accept reimbursement for such services and related expenses in connection with the RNC to be held in Milwaukee from July 15, 2024 through July 18, 2024, and during the associated events, activities, and security concerns in the days before and after the RNC, for the benefit of the public safety and welfare; and

**Section 2.** That the Director of Public Safety is authorized to enter into one or more mutual aid agreements with City of Chicago, Illinois, for additional law enforcement services and accept reimbursement for such services and related expenses in connection with the DNC to be held in Chicago from August 19, 2024 through August 22, 2024, and during the associated events, activities, and security concerns before and after the DNC, for the benefit of the public safety and welfare; and

**Section 3.** That, as an alternative to the authority provided in Sections 1 and 2, the Director of Public Safety is authorized to accept reimbursement from the State of Ohio, through any of its Emergency Management Assistance Compact agreements with the State of Wisconsin and State of Illinois, for services and related expenses of the Cleveland Division of Police at each City's respective convention.

**Section 4.** The Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance and the funds are appropriated for the purpose of reimbursing the Department of Public Safety.

**Section 5.** The Director of Law shall review all such agreements to determine that the terms and conditions are appropriate and consistent with the City's interests.

**Section 6.** 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.

**Referred to Directors of Public Safety; Finance; and Law; Committees on Safety; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 632-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance to make additional appropriations of Twenty Four Million Two Hundred Thousand Dollars ($24,200,000) to the General Fund.**

**WHEREAS,** it is necessary to appropriate balances in various funds, the sum of Twenty Four Million Two Hundred Thousand Dollars ($24,200,000) to the General Fund which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

| | | |
|---|---|---|
| GENERAL FUND | | |
| | $ | 24,200,000 |
| GENERAL FUND | | |
| DEPARTMENT OF FINANCE | | |
| Finance Administration | | |
| II Other Expenses | $ | 150,000 |
| TOTAL DEPARTMENT OF FINANCE | $ | 150,000 |
| DEPARTMENT OF PUBLIC HEALTH | | |
| Division of Environment | | |
| I Personnel and Related Expenses | $ | 150,000 |
| TOTAL DEPARTMENT OF PUBLIC HEALTH | $ | 150,000 |
| DEPARTMENT OF PUBLIC SAFETY | | |
| Division of Police | | |
| II Other Expenses | | |
| | $ | 5,900,000 |
| TOTAL DEPARTMENT OF PUBLIC SAFETY | | |
| | $ | 5,900,000 |
| NONDEPARTMENTAL | | |

| | |
|---|---|
| Transfers to Other Funds | |
| II Other Expenses | |
| | $ 18,000,000 |
| TOTAL NONDEPARTMENTAL | |
| | $ 18,000,000 |
| TOTAL GENERAL FUND | |
| | $ 24,200,000 |

**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 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.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 633-2024**

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

**An emergency ordinance authorizing the Director of Public Works to enter into a license agreement with a vendor to install and maintain an automated teller machine terminal located in Room 122, Vital Statistics for the use and convenience of the general public, for a period of one year, with a one-year option 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 notwithstanding and as an exception to Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a license agreement with a vendor, based on competitive proposals, granting the right to use and occupy City-owned property located within Cleveland City Hall for the installation and maintenance of an automated teller machine terminal located in Room 122, Vital Statistics for the use and convenience of the general public. The selection of the vendor and consideration for the license shall be made by the Board of Control on the nomination of the Director of Public Works.

**Section 2.** That the term of the license agreement shall be for a period of one year, with a one-year option to renew, exercisable by the Director of Public Works.

**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.

**Referred to Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 634-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to provide the professional services necessary to design, develop, and deliver a comprehensive training program for departmental staff performing Human Resources functions, for a term of one year with two one-year options to renew, exercisable by the Director of Human Resources.**

**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 Human Resources is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, develop, and deliver a comprehensive training program for departmental staff performing Human Resources functions, including but not limited to, providing human resource competency-based curriculum, adult learning aids, post-training skill development evaluations and facilitating on-site and virtual training, for a term of one year with two one-year options to renew, exercisable by the Director of Human Resources.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Human Resources for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Human Resources, and certified by the Director of Finance.

**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 Human Resources 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 cost of the contract or contracts authorized shall be paid from Fund No. 01-0402-6320. (RQS 0402, RL 2024-69)

**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.

**Referred to Directors of Human Resources; Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 637-2024**

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

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Housing Investment Fund, LLC, or its designee, to provide development assistance to provide partial funding of the Cleveland Housing Investment Fund.**

**WHEREAS**, the Cleveland Housing Investment Fund, LLC, wholly owned by Local Initiatives Support Corporation (LISC) and managed by LISC Fund Management, or its designee, seeks to fund a housing investment fund to make $100,000,000 available for the Cleveland Housing Investment Fund ("CHIF") for low-cost loans to developers for the acquisition, rehabilitation and new construction of mixed-income affordable housing and for housing preservation in the City of Cleveland; and

**WHEREAS**, the City of Cleveland is committing $18,000,000 towards the CHIF and LISC will continue to work with the private sector to raise the additional $82,000,000; and

**WHEREAS**, the funds under the CHIF will be used to provide low-cost loan capital to developers and for a loan loss reserve; and

**WHEREAS**, this Council finds that the projects described in this Ordinance have been reviewed by the Housing Advisory Board on May 8, 2024, in compliance with the Ohio Constitution and statutory requirements and will enhance the availability of adequate housing in the City and will improve the economic and general well-being of the people of the City and it is in the public interest and a proper public purpose for the City to provide and/or assist in providing housing for individuals and families; 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 Community Development is authorized to enter into an agreement with CHIF, LLC ,or its designee, provide development assistance in the form of a grant to provide partial funding of the CHIF, as described in the legislative summary placed in **File No. 637-2024-A.**

**Section 2.** That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 3.** That the costs of the grant shall not exceed $18,000,000 and shall be paid from Fund Nos. 10 SF 400 and 01-9997-6985. (RQS 8006, RL 2023-32, RQS 8006, RL 2023-55, and RQS 8006, RL 2024-68)

**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.

**Referred to Directors of Community Development; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 638-2024**

**By Council Members:** McCormack

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio 1976 by amending Section 341.06 of the Codified Ordinances, as amended by Ordinance No. 1827-08, passed February 9, 2009, related to Local Design Review Advisory Committees, and by enacting new Section 161.031 related to Local Landmarks Advisory Committees.**

**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 Codified Ordinances of the City of Cleveland, Ohio are supplemented by amending Section 341.06, as amended by Ordinance No. 1827-08, passed February 9, 2009, to read as follows:

Section 341.06 Local Design Review Advisory Committees

The City Planning Commission shall establish Local Design Review Advisory Committees to advise the Commission on applications received pursuant to the regulations of this chapter. The following provisions shall govern the establishment and operation of each such committee:

(a) *Appointment of Members*. The City Planning Commission and the Council shall appoint the members of each Local Design Review Advisory Committee. In making these appointments, the City Planning Commission and the Council shall solicit nominations from Community Development Corporations operating within each committee's geographic area of jurisdiction, ~~and~~ the Council members representing each such area, and from local community groups and community members. Each Advisory Committee shall be composed of ~~not less than five (5) and not more than eleven (11)~~ seven (7) members, four (4) appointed by the City Planning Commission and three (3) appointed by the Council. ~~except that the~~ The City Planning Commission and the Council each may increase membership on a particular committee by one member if necessary to incorporate relevant perspectives and areas of expertise. A maximum of three (3) alternate members may be appointed to each committee: Council shall appoint the first alternate and the City Planning Commission shall appoint the second and third alternates if desired. The alternate members may vote in place of members not in attendance at a particular meeting, as determined by the Committee's chairperson.

(b) *Committee Composition*. A majority of the members appointed to each Advisory Committee shall be architects or other recognized design professionals, with the remaining members representing businesses or other organizations with operations in the local area or being residents of the local area. The term "recognized design professionals" shall refer to individuals with documented expertise in such fields as architecture, landscape architecture, urban design, graphic design, or historic preservation.

(c) *Committee Jurisdiction and Name.* Each Local Design Review Advisory Committee shall review applications received pursuant to this chapter for properties located within the boundaries of its area of jurisdiction, as established by the City Planning Commission. All areas of the City shall be included in the jurisdiction of an Advisory Committee. The City Planning Director shall assign each Local Design Review Advisory Committee a name identified with the area of the City served by the Committee.

(d) *Term of Appointment.* Each Advisory Committee member shall be appointed for an initial term of one (1) year and thereafter for a term of two (2) years. After expiration of the initial one (1) year term, an individual's membership shall continue until the appropriate appointing authority ~~City Planning Commission~~ takes action to replace the member with a new appointment or until the member resigns. The City Planning Commission or the Council, as appropriate, shall replace members whose attendance is poor or who fail to act in accordance with the regulations of this chapter.

(e) *Quorum and Voting.* A majority of the Advisory Committee's membership shall constitute a quorum, without which no votes may be taken. Approval of an application shall require the affirmative vote of a majority of the members present at a meeting.

(f) *Meetings and Records.* The Advisory Committee shall meet at least twice monthly unless there is no business to conduct. The staff representative of the City Planning Commission shall be designated as the Advisory Committee's Secretary and shall be responsible for prompt preparation of minutes, which shall be retained by the City Planning Commission.

**Section 2.** That Section 341.06, as amended by Ordinance No. 1827-08, passed February 9, 2009, is repealed.

**Section 3.** That the Codified Ordinances of the City of Cleveland, Ohio are supplemented by enacting new Section 161.031 to read as follows:

Section 161.031 Local Landmarks Advisory Committees

The Landmarks Commission shall establish Local Landmarks Advisory Committees to advise the Commission on applications received pursuant to the regulations of this chapter. The following provisions shall govern the establishment and operation of each such committee:

(a) *Appointment of Members.* The Landmarks Commission and the Council shall appoint the members of each Local Landmarks Advisory Committee. In making these appointments, the Landmarks Commission and the Council shall solicit nominations from the Council members representing each committee's geographic area of jurisdiction, and from local community groups and community members. Each Advisory Committee shall be composed seven (7) members, four (4) appointed by the Landmarks Commission and three (3) appointed by the Council. The Landmarks Commission and the Council each may increase membership on a particular committee by one member if necessary to incorporate relevant perspectives and areas of expertise. A maximum of three (3) alternate members may be appointed to each committee: Council shall appoint the first alternate and the Landmarks Commission shall appoint the second and third alternates if desired. The alternate members may vote in place of members not in attendance at a particular meeting, as determined by the Committee's chairperson.

(b) *Committee Composition.* A majority of the members appointed to each Advisory Committee shall be recognized design professionals with expertise in historic preservation, with the remaining members representing businesses or other organizations with operations in the local area or being residents of the local area all of whom have expertise or a vested interest in the preservation, protection, perpetuation and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value.

(c) *Committee Jurisdiction and Name.* Each Local Landmarks Advisory Committee shall review applications received pursuant to this chapter for properties located within the boundaries of its area of jurisdiction, as established by the Landmarks Commission. The Landmarks Commission shall assign each Local Landmarks Advisory Committee a name identified with the area of the City served by the Committee.

(d) *Term of Appointment.* Each Advisory Committee member shall be appointed for an initial term of one (1) year and thereafter for a term of two (2) years. After expiration of the initial one (1) year term, an individual's membership shall continue until the appropriate appointing authority takes action to replace the member with a new appointment or until the member resigns. The Landmarks Commission or the Council as appropriate shall replace members whose attendance is poor or who fail to act in accordance with the regulations of this chapter.

(e) *Quorum and Voting.* A majority of the Advisory Committee's membership shall constitute a quorum, without which no votes may be taken. Approval of an application shall require the affirmative vote of a majority of the members present at a meeting.

(f) *Meetings and Records.* The Advisory Committee shall meet at least twice monthly unless there is no business to conduct. The staff representative of the Landmarks Commission shall be designated as the Advisory Committee's Secretary and shall be responsible for prompt preparation of minutes, which shall be retained by the Landmarks Commission.

**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.

**Referred to Directors of City Planning Commission; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 639-2024**

**By Council Members:** Maurer

**An emergency ordinance to amend the title of Chapter 352 and Section 352.01 of Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3077-A-89, passed June 17, 1991; and to supplement the Codified Ordinances by enacting new Section 352.13, relating to lighting requirements for outdoor parking lots.**

**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 title of Chapter 352 and Section 352.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3077-A-89, passed June 17, 1991, are amended as follows:

Chapter 352 – Landscaping ~~and~~, Screening, and Outdoor Parking Lot Lighting

Section 352.01 Purpose
The purpose of the requirements in this chapter is to provide for appropriate landscaping, ~~and~~ screening, and outdoor parking lot lighting that will:

(a) Protect residential and all other environments from adverse effects, such as noise, odors and dust, of more intensive adjacent uses;

(b) Protect users of parking areas from excessive wind, glare, and temperature extremes;

(c) Mitigate the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, water runoff, and glare from motor vehicle headlights and parking area lighting;

(d) Provide adequate lighting in outdoor parking lots for the safety of residents, pedestrians, and motorists;

~~(d)~~ (e) Discourage unsafe access to and circulation within off-street parking areas;

~~(e)~~ (f) Contribute to improved community appearance and property values and preserve and enhance the mature “established” character of City neighborhoods;

~~(f)~~ (g) Preserve privacy in residential areas next to non-residential uses and discourage trespass thereupon;

~~(g)~~ (h) Provide trees that improve the urban environment by cooling the air and land, reducing carbon dioxide in the air, and producing oxygen; and

~~(h)~~ (i) Compensate for the inability in an older, densely developed city like Cleveland to buffer incompatible uses by use of wide yards and open spaces.

**Section 2.** That existing title of Chapter 353 and Section 352.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3077-A-89, passed June 17, 1991, is repealed.

**Section 3.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 352.13 to read as follows:

Section 352.13 Lighting Requirements for Outdoor Parking Lots

(a) All outdoor parking lots containing ten or more spaces, which are used during non-daylight hours, shall be illuminated during those hours with one (1) to 2.5 footcandles, as recommended by the Illuminating Engineering Society (IES).

(b) The installation of lighting, replacement of lighting, and changes to existing light fixtures must be made in compliance with this Section.

**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.

**Referred to Directors of City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 640-2024**

**By Council Members:** Polensek and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Finance enter into various contracts for the Law Enforcement Records Management System, the Computer Aided Dispatch System, the Officer Intervention Program and to enter into various other contracts to implement this ordinance.**

**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 Finance is authorized to enter into one or more contracts with Chagrin Valley Dispatch Council to acquire one or more licenses and services for the Premier One Motorola Software Solution for the Law Enforcement Records Management System and the Computer Aided Dispatch System, for the Department of Finance, for a period or period not to exceed a total of seven years.

**Section 2.** That the Director of Finance is authorized to enter into one or more contracts with Motorola Solutions for professional services relating to implementing the Law Enforcement Records Management System and the Computer Aided Dispatch System, including but not limited to, project management, business analysis, software implementation and configuration, training, system design, data conversion, installation, testing, technical administration, upgrades, technical support, network administration, programming, integration, data exchange, system migration, interfacing, repair upgrades and enhancements, for the Department of Finance, for a period or period not to exceed a total of four years.

**Section 3.** That the Director of Finance is authorized to enter into one or more contracts with Benchmark Analytics for professional services necessary for the acquisition of one or more licenses and services to implement an Officer Intervention Program and to provide professional services including but not limited to, implementation and project management services to implement the Officer Intervention Program, for the Department of Finance, for a period or periods not to exceed a total of four years.

**Section 4.** That the Director of Finance is authorized to enter into one or more contracts with Motorola Solutions for professional services relating to implementing the 800 MHz Project 25 radio system, including but not limited to, providing professional services to program, update and install radio template to support the 800 MHz Project 25 radio system for the Department of Public Safety and to provide equipment and proprietary services necessary for the implementation, for the Department of Finance, for a period or period not to exceed a total of four years.

**Section 5.** That the Director of Finance is authorized to enter into one or more contracts with B4 Health Management for professional services necessary for any business analysis and project management services needed to implement this ordinance, for the Department of Finance, for a period or period not to exceed a total of four years.

**Section 6.** That the Director of Finance is authorized to enter into any third-party software licenses agreements necessary to effectuate the purposes of this ordinance.

**Section 7.** That, if required any agreement authorized in this ordinance, the Director of Finance will include the City's obligation to pay a one-time subscription fee and also ongoing subscription and service fees for the term of any agreement authorized in this ordinance, if necessary.

**Section 8.** That the Director of Finance is authorized to make one or more written standard purchase or lease contracts and one or more written requirement purchase or lease contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the necessary items of the materials, equipment, supplies, and services necessary to implement this ordinance, which are not obtained under a professional services contract authorized above, including labor and materials; training and training materials; maintenance; and installation if necessary; to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. 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.

**Section 9.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract or contracts, each of which purchases or procurements 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.

**Section 10.** 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 Finance 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 11.** That the total cost of the contracts and other expenditures authorized in this ordinance shall be paid from Fund No. 01-9997-6985 and any funds approved by the Director of Finance. (RQS 1511, RL 2024-65)

**Section 12.** 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.

**Referred to Directors of Public Safety; Finance; and Law; Committees on Safety; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 641-2024**

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

**An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving cemeteries, including site improvements and appurtenances, and the West Park Cemetery Gate House; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.**

**WHEREAS,** the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; 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 under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving cemeteries, including site improvements and appurtenances (the “Cemetery Improvement” or “Cemetery Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for each Cemetery Improvement.

The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Cemetery Improvements with the lowest responsible bidder or bidders after competitive bidding on a unit basis for each Cemetery Improvement, provided, however, that each separate trade and each distinct component part of the Cemetery Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 2.** That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving the West Park Cemetery Gate House, including site improvements and appurtenances (the “Gate House Improvement”), for the

Department of Public Works or the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Gate House Improvement.

The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Gate House Improvement with the lowest responsible bidder or bidders after competitive bidding on for a gross price for the Gate House Improvement, provided, however, that each separate trade and each distinct component part of the Gate House Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Gate House Improvement.

**Section 3.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services for the Cemetery Improvements and/or the Gate House Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Director of Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That, alternatively to Sections 1, 2 and 3 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Cemetery Improvements and/or the Gate House Improvement, for the Department of Public Works or the Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Cemetery Improvement and/or the Gate House Improvement.

The selection of the person, firm, or corporation to design and construct each Cemetery Improvement and/or the Gate House Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of

Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Cemetery Improvement and for the Gate House Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 5.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 6.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Cemetery Improvements and/or the Gate House Improvement, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or the Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 and 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

**Section 7.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Cemetery Improvements and/or the Gate House Improvement, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Cemetery Improvements and/or the Gate House Improvement which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Cemetery Improvement made and/or the Gate House Improvement.

**Section 8.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, 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 9.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate 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 this ordinance.

**Section 10.** That the cost of any requirement contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of 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 requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-56)

**Section 11.** 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.

**Referred to Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 642-2024**

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

**An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.**

**WHEREAS,** the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; 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 under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances (the “Improvement” or “Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement.
The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement, provided, however, that each separate trade and each distinct component part of the Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

**Section 2.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services for the Improvements.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Director of Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 3.** That, alternatively to Sections 1 and 2 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make one or more of the Improvements, for the Department of Public Works or the Office of Capital Projects, as appropriate by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 5.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 or 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Sections 131.67 or 181.101 payable from the funds identified in this ordinance.

**Section 6.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, 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 8.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate 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 this ordinance.

**Section 9.** That the cost of any requirement contract or contracts shall be paid from Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, 20 SF 596, 20 SF 701, 20 SF 705, 20 SF 709, 20 SF 710, 20 SF 711, 20 SF 715, 20 SF 716, 20 SF 717, from the fund or funds to which are credited the proceeds from the sale of 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 requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from Fund No. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, 20 SF 596, 20 SF 701, 20 SF 705, 20 SF 709, 20 SF 710, 20 SF 711, 20 SF 715, 20 SF 716, 20 SF 717, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-54)

**Section 10.** 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.

**Referred to Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 643-2024**

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

**An emergency ordinance determining the method of making the public improvement of designing and constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, parks and playgrounds, and other similar structures or amenities, on City-owned and City-leased park property, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.**

**WHEREAS,** the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; 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 under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, and other similar structures, on City-owned and City-leased park property, including site improvements and appurtenances (the “Facility Improvement” or “Facility Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each Facility Improvement.
The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Facility Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Facility Improvement, provided, however, that each separate trade and each distinct component part of a Facility Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Facility Improvement.

**Section 2.** That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances (the "Park Improvement" or "Park Improvements"), for the Department of Public Works or the Office of Capital Projects by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for each Park Improvement. The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Park Improvements with the lowest responsible bidder or bidders after competitive bidding on a unit price basis for each Park Improvement, provided, however, that each separate trade and each distinct component part of a Park Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit price basis.

**Section 3.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services for the Facility Improvements and/or the Park Improvements.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Director of Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the professional services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That, alternatively to Sections 1, 2 and 3 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make one or more Facility Improvements and/or Park Improvements, for the Department of Public Works or the Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Facility Improvement and/or Park Improvement.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Facility Improvement and/or Park Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 5.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 6.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 and 181.101 of the Codified Ordinances to Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

**Section 7.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Facility Improvements and/or Park Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Facility Improvements and/or Park Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Facility Improvement and/or Park Improvement made.

**Section 8.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, 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 9.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate 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 this ordinance.

**Section 10.** That the cost of any requirement contract or contracts shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 577, 20 SF 584, 20 SF 590, 20 SF 595, 20 SF 700, 20 SF 708, 20 SF 71, from the fund or funds to which are credited the proceeds from the sale of 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 requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from Fund No. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 577, 20 SF 584, 20 SF 590, 20 SF 595, 20 SF 700, 20 SF 708, 20 SF 714, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-53)

**Section 11.** 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.

**Referred to Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 644-2024**

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

**An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving roadways, streets, bridges, sidewalks, and other similar projects, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.**

**WHEREAS,** the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; 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 under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving roads and bridges roadways, streets, bridges, sidewalks, and other similar projects, including site improvements and appurtenances (the “Improvement” or “Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement.

The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement, provided, however, that each separate trade and each distinct component part of the Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

**Section 2.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services for the Improvements.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Director of Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 3.** That, alternatively to Sections 1 and 2 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Improvements, for the Department of Public Works and Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 5.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 and 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

**Section 6.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, 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 8.** That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate 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 this ordinance.

**Section 9.** That the cost of any requirement 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 the proceeds from the sale of 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 requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from Fund 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 the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-55)

**Section 10.** 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.

**Referred to Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 645-2024**

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

**An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants necessary for the Dominion East Ohio Gas Pipeline Infrastructure Replacement Program, for a period of one year with four one-year options to renew, exercisable by the Director of Capital Projects.**

**WHEREAS,** Dominion East Ohio Gas Dominion is currently in year 15 of a 20-year Pipeline Infrastructure Replacement Program in which aged pipes are being replaced with new pipes in various City rights-of-way and disturbed sidewalks, tree lawns, and pavements are being restored; and

**WHEREAS**, additional professional services are required in order to ensure City requirements are adhered to; 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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the Dominion East Ohio Gas Pipeline Infrastructure Replacement Program, including but not limited to, construction inspectors, certified arborists, and engineers to serve as permit coordinators, for a period of one year with four one-year options to renew, exercisable by the Director of Capital Projects.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 10 SF 966, the Dominion Pipeline Infrastructure Fund, 01-0103-6930, and from the fund or funds approved by the Director of Finance. (RQS 0103, RLA 2024-60)

**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.

**Referred to Directors of Capital Projects; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 646-2024**

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

**An emergency ordinance determining the method of making the public improvement of constructing capital repairs and capital improvements to the municipally-owned facility located at 100 Alfred Lerner Way; authorizing one or more public improvement contracts for the making of the improvement; and professional services to design, or in the alternative, to reimburse or accept the gift of design and other services from the Cleveland Browns Stadium Company LLC.**

**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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the capital repairs and capital improvements to the municipally-owned facility located at 100 Alfred Lerner Way, including but not limited to the following items identified by a current facility assessment: pedestrian ramp replacements and curb repairs, gutter replacements, and replacement of the hot water tank and thermostatic mixing valve (the "Improvement" or "Improvements"), for the Department of Public Works or the Office of Capital Projects, as appropriate, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

**Section 2.** That the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to enter into contract for the making of the Improvements with the lowest responsible bidder after competitive bidding for a gross price for each Improvement, provided, however, that each separate trade and each distinct component part of the Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

**Section 3.** That the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 4.** That the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or other professionals or one or more firms of consultants or professionals necessary for the purpose of supplementing the regularly employed staff of the several departments of the City in order to provide professional services necessary for the Improvements. The selection of the professional consultants for the services shall be made by the Board of Control on the nomination of the appropriate director. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or the Director of Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 5.** That, in the alternative to the above Section 4, if the Cleveland Browns Stadium Company LLC ("Cleveland Browns") wishes to prepare the plans and specifications and be reimbursed for its cost or to donate the plans and specifications, the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to enter into an agreement with the Cleveland Browns for that purpose. All plans and specifications shall be approved by the appropriate City officials.

**Section 6.** That, if necessary, the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to accept one or more of the following: the gift of engineering plans, specifications, cost estimates, and schedules necessary for the Improvement, including construction project management services, from the Cleveland Browns.

**Section 7.** That the costs of this ordinance shall not exceed $3,759,073.26 and shall be paid from Fund No. 20 SF 111, the Capital Repair Fund. (RQS 0103, RLA 2024-57)

**Section 8.** 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.

**Referred to Directors of Capital Projects; Public Works; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 662-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $1,250,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.**

**WHEREAS**, this Council desires to issue bonds in an aggregate principal amount not to exceed $1,250,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 20 years, as evidenced by the certificate contained in **File No. 662-2024-A**; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit 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**. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed $1,250,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, renovating gatehouse facilities, installing access roadways including any necessary bridges and culverts, installing utility lines, laying out and numbering burial plots, constructing and reconstructing retaining walls, gates and fences, acquiring and installing fences, gates, signage, waste receptacles and other fixtures, and planting and landscaping, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2**. **Authority and Terms**. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Cemeteries Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of $5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024 (the "Interest Payment Dates"), unless otherwise determined by the Director of Finance in the Certificate of Award.

The 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 the written advice of a municipal advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2026, (iii) the final maturity date of the Bonds shall be no later than 20 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term 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 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term 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 Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

**(a) Mandatory Sinking Fund Redemption**. If any of the Bonds are issued as Term Bonds, the Term 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 Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term 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 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 Bonds. That option shall be exercised by the City on or before the forty-fifth 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 Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 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 integral multiples of $5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus 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 for some or all of the Bonds not to be callable prior to their stated maturity.

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 Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The 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 Bonds to be redeemed, and shall be given at least 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 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 Bonds called for optional redemption in lieu of redeeming those 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 Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the 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 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 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 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 Bonds on the redemption date if the 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 Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase 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 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 Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase**. If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of 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 Bonds by lot when 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 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 Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the 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 Bond or 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 Bond surrendered.

**(e) Notice of Redemption**. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the 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 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner’s address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 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 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 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 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 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 Bonds.

The debt charges on the 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 Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the 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 bonds issued under the General Bond Ordinance), will apply to the 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 Bonds; Exchange and Transfer of the Bonds; Paying Agents**. The 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 Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The 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 Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's 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 Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the 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, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the 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 Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any 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 Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for 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 Bond may be transferred only on the Bond Register upon presentation and surrender of the 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 Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the 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 Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver 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 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 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 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 Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the 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 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 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 Bonds may be issued in the form of a single, fully registered 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 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 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 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 Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver 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 to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the 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 Bonds**. The 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 or purchase the 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 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a municipal advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the 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 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 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 Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the 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.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated “Various Purpose General Obligation Bonds, Series 2024” or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5**. **Provision for Levying and Collecting Tax**. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the 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 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 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 within the ten-mill limitation imposed by law, 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, and 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 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 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 Ohio 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 Bonds.

**Section 6**. **Application of Proceeds**. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund.

**Section 7**. **General Obligation**. The 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 Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the 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 Bonds, or there shall otherwise be paid to the holders of the outstanding 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 Bonds. Outstanding 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 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 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 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 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**. **Bond Anticipation Notes**. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed $1,250,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a municipal advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Cemeteries Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of $5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note 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 Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note 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 Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note 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 Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note 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 Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note 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 Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes 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 Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes 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 Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) Sale of the Notes. The Notes 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 or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) Security for the Notes. The Notes shall be 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 Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10**. **Provision for Levying and Collecting Tax**. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That 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 year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11**. **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 Notes or the 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 Notes or the 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 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 official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, 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 Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the 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 Notes or the 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 12**. **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 Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes 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 Bonds and the Notes authorized herein 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 hereof.

**Section 13**. **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 14**. **Federal Tax Covenants**. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as 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 Notes and the 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 Notes and the 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 Notes and the 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 Notes and the 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 available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds 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 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the 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 Notes and the Bonds.

**Section 15**. **Credit Facilities and Ratings**. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a municipal advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized statistical rating organization registered with the U.S. Securities and Exchange Commission, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16**. **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. 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 Purchasers 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 Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

**Section 17**. **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 Ohio Revised Code.

**Section 18**. **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 Bonds and the Notes 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 Bonds or the Notes. It is further found and determined, and is hereby 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 19**. **Delivery to County Fiscal Officer**. The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20**. **Severability**. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby 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 hereby 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 21**. **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 22**. **Emergency Measure**. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 663-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $11,000,000 for the purpose of providing funds to acquire heavy duty trucks and equipment for performing functions of the city's department of public works and department of public safety, including the division of fire, and authorizing related matters.**

**WHEREAS**, this Council desires to issue bonds in an aggregate principal amount not to exceed $11,000,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 10 years, as evidenced by the certificate contained in **File No. 663-2024-A**; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit 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**. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed $11,000,000 for the purpose of providing funds to acquire heavy duty trucks and equipment, including rear-loader sanitation trucks, dump trucks, street sweepers, a leaf machine, asphalt equipment, a backhoe, a street flusher, an asphalt patcher truck, a loader, an aerial platform, an ambulance and a pumper truck for performing functions of the City's Department of Public Works and Department of Public Safety, including the Division of Fire, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2**. **Authority and Terms**. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated “Heavy Vehicle Acquisition Bonds” and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the “Certificate of Award”). The Bonds shall be issued in one lot as fully registered Bonds in denominations of $5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024 (the “Interest Payment Dates”), unless otherwise determined by the Director of Finance in the Certificate of Award.

The 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 the written advice of a municipal advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2026, (iii) the final maturity date of the Bonds shall be no later than 10 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the “Term 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 Bonds shall be issued as Term Bonds, any dates (the “Mandatory Redemption Dates”) on which the principal amount of the Term 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 Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

**(a) Mandatory Sinking Fund Redemption**. If any of the Bonds are issued as Term Bonds, the Term 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 Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term 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 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 Bonds. That option shall be exercised by the City on or before the forty-fifth 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 Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 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 integral multiples of $5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus 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 for some or all of the Bonds not to be callable prior to their stated maturity.

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 Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The 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 Bonds to be redeemed, and shall be given at least 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 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 Bonds called for optional redemption in lieu of redeeming those 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 Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the 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 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 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 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 Bonds on the redemption date if the 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 Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase 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 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 Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase**. If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of 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 Bonds by lot when 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 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 Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the 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 Bond or 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 Bond surrendered.

**(e) Notice of Redemption**. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the 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 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 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 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 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 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 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 Bonds.

The debt charges on the 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 Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the 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 bonds issued under the General Bond Ordinance), will apply to the 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 Bonds; Exchange and Transfer of the Bonds; Paying Agents**. The 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 Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The 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 Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's 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 Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the 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, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the 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 Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any 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 Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for 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 Bond may be transferred only on the Bond Register upon presentation and surrender of the 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 Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the 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 Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver 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 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 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 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 Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the 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 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 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 Bonds may be issued in the form of a single, fully registered 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 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 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 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 Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver 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 to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the 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 Bonds**. The 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 or purchase the 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 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a municipal advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the 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 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 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 Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the 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.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated “Various Purpose General Obligation Bonds, Series 2024” or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5**. **Provision for Levying and Collecting Tax**. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the 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 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 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 within the ten-mill limitation imposed by law, 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, and 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 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 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 Ohio 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 Bonds.

**Section 6**. **Application of Proceeds**. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund.

**Section 7**. **General Obligation**. The 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 Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the 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 Bonds, or there shall otherwise be paid to the holders of the outstanding 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 Bonds. Outstanding 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 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 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 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 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**. **Bond Anticipation Notes**. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed $11,000,000 (the “Notes”) upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the “Note Certificate of Award”).

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a municipal advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated “Heavy Vehicle Acquisition Bond Anticipation Notes”; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of $5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note 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 Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note 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 Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note 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 Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note 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 Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note 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 Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes 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 Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes 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 Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) Sale of the Notes. The Notes 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 or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) Security for the Notes. The Notes shall be 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 Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That 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 year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. 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 Notes or the 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 Notes or the 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 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 official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, 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 Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the 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 Notes or the 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 12**. **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 Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes 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 Bonds and the Notes authorized herein 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 hereof.

**Section 13**. **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 14**. **Federal Tax Covenants**. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as 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 Notes and the 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 Notes and the 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 Notes and the 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 Notes and the 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 available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds 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 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the 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 Notes and the Bonds.

**Section 15**. **Credit Facilities and Ratings**. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a municipal advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a “Credit Support Instrument”). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized statistical rating organization registered with the U.S. Securities and Exchange Commission, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16**. **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. 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 Purchasers 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 Bonds authorized in this Ordinance) shall have the same meaning as "municipal advisor" as used in this Ordinance.

**Section 17**. **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 Ohio Revised Code.

**Section 18**. **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 Bonds and the Notes 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 Bonds or the Notes. It is further found and determined, and is hereby 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 19**. **Delivery to County Fiscal Officer**. The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20**. **Severability**. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby 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 hereby 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 21**. **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 22**. **Emergency Measure**. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 664-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $5,000,000 for the purpose of providing funds to acquire vehicles and equipment for performing functions of the city's departments, including the department of public works and department of public safety, and authorizing related matters.**

**WHEREAS**, this Council desires to issue bonds in an aggregate principal amount not to exceed $5,000,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 5 years, as evidenced by the certificate contained in **File No. 664-2024-A**; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit 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**. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed $5,000,000 for the purpose of providing funds to acquire vehicles and equipment for performing functions of the City's departments, including the Department of Public Works and Department of Public Safety, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2**. **Authority and Terms**. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated “Vehicle Acquisition Bonds” and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the “Certificate of Award”). The Bonds shall be issued in one lot as fully registered Bonds in denominations of $5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024 (the “Interest Payment Dates”), unless otherwise determined by the Director of Finance in the Certificate of Award.

The 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 the written advice of a municipal advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2026, (iii) the final maturity date of the Bonds shall be no later than 5 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the “Term 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 Bonds shall be issued as Term Bonds, any dates (the “Mandatory Redemption Dates”) on which the principal amount of the Term 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 Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

**(a) Mandatory Sinking Fund Redemption**. If any of the Bonds are issued as Term Bonds, the Term 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 Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term 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 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 Bonds. That option shall be exercised by the City on or before the forty-fifth 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 Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 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 integral multiples of $5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus 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 for some or all of the Bonds not to be callable prior to their stated maturity.

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 Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The 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 Bonds to be redeemed, and shall be given at least 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 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 Bonds called for optional redemption in lieu of redeeming those 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 Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the 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 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 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 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 Bonds on the redemption date if the 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 Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase 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 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 Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase**. If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of 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 Bonds by lot when 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 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 Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the 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 Bond or 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 Bond surrendered.

**(e) Notice of Redemption**. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the 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 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 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 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 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 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 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 Bonds.

The debt charges on the 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 Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the 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 bonds issued under the General Bond Ordinance), will apply to the 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 Bonds; Exchange and Transfer of the Bonds; Paying Agents**. The 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 Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The 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 Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's 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 Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the 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, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the 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 Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any 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 Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for 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 Bond may be transferred only on the Bond Register upon presentation and surrender of the 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 Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the 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 Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver 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 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 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 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 Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the 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 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 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 Bonds may be issued in the form of a single, fully registered 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 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 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 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 Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver 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 to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the 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 Bonds**. The 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 or purchase the 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 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a municipal advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the 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 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 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 Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the 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.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated “Various Purpose General Obligation Bonds, Series 2024” or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5**. **Provision for Levying and Collecting Tax**. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the 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 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 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 within the ten-mill limitation imposed by law, 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, and 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 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 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 Ohio 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 Bonds.

**Section 6**. **Application of Proceeds**. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments.

The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund.

**Section 7**. **General Obligation**. The 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 Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the 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 Bonds, or there shall otherwise be paid to the holders of the outstanding 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 Bonds. Outstanding 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 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 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 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 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**. **Bond Anticipation Notes**. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed $5,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a municipal advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Vehicle Acquisition Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of $5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the “Note Registrar Agreement”) providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the “Note Register”). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note 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 Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note 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 Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note 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 Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note 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 Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note 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 Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes 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 Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes 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 Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) Sale of the Notes. The Notes 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 or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) Security for the Notes. The Notes shall be 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 Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10. Provision for Levying and Collecting Tax**. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That 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 year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11**. **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 Notes or the 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 Notes or the 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 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 official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, 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 Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the 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 Notes or the 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 12**. **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 Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes 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 Bonds and the Notes authorized herein 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 hereof.

**Section 13**. **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 14**. **Federal Tax Covenants**. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as 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 Notes and the 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 Notes and the 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 Notes and the 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 Notes and the 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 available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds 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 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the 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 Notes and the Bonds.

**Section 15**. **Credit Facilities and Ratings**. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a municipal advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a “Credit Support Instrument”). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized statistical rating organization registered with the U.S. Securities and Exchange Commission, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16**. **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. 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 Purchasers 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 Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

**Section 17**. **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 Ohio Revised Code.

**Section 18**. **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 Bonds and the Notes 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 Bonds or the Notes. It is further found and determined, and is hereby 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 19**. **Delivery to County Fiscal Officer**. The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20**. **Severability**. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby 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 hereby 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 21**. **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 22**. **Emergency Measure**. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 665-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $9,250,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.**

**WHEREAS**, this Council desires to issue bonds in an aggregate principal amount not to exceed $9,250,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 25 years, as evidenced by the certificate contained in **File No. 665-2024-A**; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit 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**. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed $9,250,000 for the purpose of providing funds to improve municipal parks and recreation facilities by acquiring, constructing, reconstructing, installing, renovating, enlarging, redeveloping and otherwise improving parks and recreation centers and areas, pools, playgrounds, playfields, tracks, fields, stadiums, locker rooms and related buildings, structures, walkways, safety surfaces, pavement, landscaping, irrigation systems and facilities, and providing necessary water systems, solar power systems, drainage, lighting, signage, fixtures, furnishings, equipment, demolition, safety modifications, and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the related demolition of any existing buildings, structures, walkways, safety surfaces, and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2**. **Authority and Terms**. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of $5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024 (the "Interest Payment Dates"), unless otherwise determined by the Director of Finance in the Certificate of Award.

The 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 the written advice of a municipal advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2026, (iii) the final maturity date of the Bonds shall be no later than 25 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term 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 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term 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 Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

**(a) Mandatory Sinking Fund Redemption**. If any of the Bonds are issued as Term Bonds, the Term 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 Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term 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 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 Bonds. That option shall be exercised by the City on or before the forty-fifth 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 Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 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 integral multiples of $5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus 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 for some or all of the Bonds not to be callable prior to their stated maturity.

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 Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The 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 Bonds to be redeemed, and shall be given at least 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 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 Bonds called for optional redemption in lieu of redeeming those 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 Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the 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 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 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 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 Bonds on the redemption date if the 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 Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase 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 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 Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase**. If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of 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 Bonds by lot when 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 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 Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the 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 Bond or 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 Bond surrendered.

**(e) Notice of Redemption**. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the 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 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 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 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 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 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 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 Bonds.

The debt charges on the 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 Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the 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 bonds issued under the General Bond Ordinance), will apply to the 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 Bonds; Exchange and Transfer of the Bonds; Paying Agents**. The 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 Bond shall be authenticated by the manual signature of an authorized officer of the

Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The 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 Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's 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 Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the 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, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the 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 Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any 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 Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for 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 Bond may be transferred only on the Bond Register upon presentation and surrender of the 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 Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the 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 Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver 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 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 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 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 Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the 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 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 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 Bonds may be issued in the form of a single, fully registered 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 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 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 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 Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver 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 to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the 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 Bonds**. The 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 or purchase the 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 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a municipal advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the 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 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 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 Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the 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.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2024" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5**. **Provision for Levying and Collecting Tax**. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the 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 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 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 within the ten-mill limitation imposed by law, 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, and 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 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 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 Ohio 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 Bonds.

**Section 6**. **Application of Proceeds**. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund.

**Section 7**. **General Obligation**. The 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 Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the 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 Bonds, or there shall otherwise be paid to the holders of the outstanding 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 Bonds. Outstanding 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 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 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 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 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**. **Bond Anticipation Notes**. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed $9,250,000 (the “Notes”) upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the “Note Certificate of Award”).

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a municipal advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated “Parks and Recreation Facilities Improvement Bond Anticipation Notes”; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of $5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the “Note Registrar”). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the “Note Registrar Agreement”) providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the “Note Register”). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note 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 Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note 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 Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note 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 Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note 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 Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note 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 Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes 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 Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes 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 Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) Sale of the Notes. The Notes 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 or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) Security for the Notes. The Notes shall be 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 Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10**. **Provision for Levying and Collecting Tax**. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That 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 year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11**. **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 Notes or the 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 Notes or the 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 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 official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, 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 Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the 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 Notes or the 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 12**. **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 Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes 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 Bonds and the Notes authorized herein 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 hereof.

**Section 13**. **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 14**. **Federal Tax Covenants**. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as 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 Notes and the 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 Notes and the 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 Notes and the 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 Notes and the 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 available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds 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 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the 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 Notes and the Bonds.

**Section 15**. **Credit Facilities and Ratings**. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a municipal advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a “Credit Support Instrument”). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized statistical rating organization registered with the U.S. Securities and Exchange Commission, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16**. **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. 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 Purchasers 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 Bonds authorized in this Ordinance) shall have the same meaning as "municipal advisor" as used in this Ordinance.

**Section 17**. **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 Ohio Revised Code.

**Section 18**. **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 Bonds and the Notes 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 Bonds or the Notes. It is further found and determined, and is hereby 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 19**. **Delivery to County Fiscal Officer**. The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20**. **Severability**. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby 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 hereby 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 21**. **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 22**. **Emergency Measure**. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 666-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $15,000,000 for the purpose of providing funds to improve buildings and structures, and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities, and site improvements for the purpose and authorizing related matters.**

**WHEREAS**, this Council desires to issue bonds in an aggregate principal amount not to exceed $15,000,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 18 years, as evidenced by the certificate contained in **File No. 666-2024-A**; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit 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**. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed $15,000,000 for the purpose of providing funds for constructing, reconstructing, installing, renovating, enlarging and otherwise improving buildings and structures and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for fire stations, police facilities, service stations, centers and facilities, waste collection, the Public Auditorium and other facilities, to provide for certain architectural, engineering and other professional services related to such facilities, to provide equipment to be used by the Division of Fire and the Division of Police, and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities and site improvements for the purpose, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2**. **Authority and Terms**. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated “Public Facilities Improvement Bonds” and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the “Certificate of Award”). The Bonds shall be issued in one lot as fully registered Bonds in denominations of $5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024 (the “Interest Payment Dates”), unless otherwise determined by the Director of Finance in the Certificate of Award.

The 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 the written advice of a municipal advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2026, (iii) the final maturity date of the Bonds shall be no later than 18 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term 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 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term 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 Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

**(a) Mandatory Sinking Fund Redemption**. If any of the Bonds are issued as Term Bonds, the Term 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 Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term 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 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 Bonds. That option shall be exercised by the City on or before the forty-fifth 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 Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 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 integral multiples of $5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus 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 for some or all of the Bonds not to be callable prior to their stated maturity.

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 Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The 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 Bonds to be redeemed, and shall be given at least 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 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 Bonds called for optional redemption in lieu of redeeming those 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 Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the 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 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 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 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 Bonds on the redemption date if the 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 Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase 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 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 Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase**. If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of 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 Bonds by lot when 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 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 Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the 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 Bond or 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 Bond surrendered.

**(e) Notice of Redemption**. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the 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 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 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 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 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 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 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 Bonds.

The debt charges on the 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 Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the 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 bonds issued under the General Bond Ordinance), will apply to the 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 Bonds; Exchange and Transfer of the Bonds; Paying Agents**. The 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 Bond shall be authenticated by the manual signature of an authorized officer of the

Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The 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 Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's 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 Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the 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, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the 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 Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any 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 Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for 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 Bond may be transferred only on the Bond Register upon presentation and surrender of the 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 Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the 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 Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver 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 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 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 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 Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the 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 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 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 Bonds may be issued in the form of a single, fully registered 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 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 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 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 Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver 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 to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the 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 Bonds**. The 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 or purchase the 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 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a municipal advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the 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 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 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 Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the 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.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated “Various Purpose General Obligation Bonds, Series 2024” or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5**. **Provision for Levying and Collecting Tax**. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the 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 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 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 within the ten-mill limitation imposed by law, 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, and 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 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 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 Ohio 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 Bonds.

**Section 6**. **Application of Proceeds**. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund.

**Section 7**. **General Obligation**. The 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 Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the 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 Bonds, or there shall otherwise be paid to the holders of the outstanding 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 Bonds. Outstanding 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 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 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 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 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**. **Bond Anticipation Notes**. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed $15,000,000 (the “Notes”) upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the “Note Certificate of Award”).

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a municipal advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated “Public Facilities Improvement Bond Anticipation Notes”; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of $5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the “Note Registrar”). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the “Note Registrar Agreement”) providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the “Note Register”). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note 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 Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note 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 Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note 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 Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note 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 Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note 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 Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes 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 Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes 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 Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) Sale of the Notes. The Notes 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 or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) Security for the Notes. The Notes shall be 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 Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That 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 year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. 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 Notes or the 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 Notes or the 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 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 official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, 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 Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the 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 Notes or the 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 12**. **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 Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes 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 Bonds and the Notes authorized herein 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 hereof.

**Section 13**. **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 14**. **Federal Tax Covenants**. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as 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 Notes and the 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 Notes and the 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 Notes and the 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 Notes and the 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 available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds 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 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the 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 Notes and the Bonds.

**Section 15**. **Credit Facilities and Ratings**. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a municipal advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a “Credit Support Instrument”). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized statistical rating organization registered with the U.S. Securities and Exchange Commission, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16**. **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. 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 Purchasers 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 Bonds authorized in this Ordinance) shall have the same meaning as "municipal advisor" as used in this Ordinance.

**Section 17**. **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 Ohio Revised Code.

**Section 18**. **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 Bonds and the Notes 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 Bonds or the Notes. It is further found and determined, and is hereby 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 19**. **Delivery to County Fiscal Officer**. The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20**. **Severability**. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby 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 hereby 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 21. 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 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

**Ordinance No. 667-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $26,000,000 for the purpose of providing funds to improve the municipal street system and related facilities and authorizing related matters.**

**WHEREAS**, this Council desires to issue bonds in an aggregate principal amount not to exceed $26,000,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 18 years, as evidenced by the certificate contained in **File No. 667-2024-A**; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit 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**. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed $26,000,000 for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, driveway approaches, retaining walls, underground vaults, sidewalks, ADA ramps, bikeways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, sealing and curbing, removing and replacing trees within the public right of way, installing gutters, sidewalks and related pedestrian and cyclist improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, installing water lines, constructing, reconstructing, replacing, renovating and improving bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing lighting and signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2**. **Authority and Terms**. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Bridges and Roadways Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of $5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024 (the "Interest Payment Dates"), unless otherwise determined by the Director of Finance in the Certificate of Award.

The 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 the written advice of a municipal advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2026, (iii) the final maturity date of the Bonds shall be no later than 18 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term 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 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term 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 Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

**(a) Mandatory Sinking Fund Redemption**. If any of the Bonds are issued as Term Bonds, the Term 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 Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term 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 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 Bonds. That option shall be exercised by the City on or before the forty-fifth 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 Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 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 integral multiples of $5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus 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 for some or all of the Bonds not to be callable prior to their stated maturity.

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 Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The 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 Bonds to be redeemed, and shall be given at least 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 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 Bonds called for optional redemption in lieu of redeeming those 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 Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the 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 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 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 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 Bonds on the redemption date if the 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 Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase 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 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 Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase**. If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of 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 Bonds by lot when 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 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 Bond are to be called for redemption, then upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the 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 Bond or 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 Bond surrendered.

**(e) Notice of Redemption**. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the 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 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 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 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 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 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 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 Bonds.

The debt charges on the 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 Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the 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 bonds issued under the General Bond Ordinance), will apply to the 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 Bonds; Exchange and Transfer of the Bonds; Paying Agents**. The 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 Bond shall be authenticated by the manual signature of an authorized officer of the

Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The 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 Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's 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 Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the 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, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the 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 Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any 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 Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for 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 Bond may be transferred only on the Bond Register upon presentation and surrender of the 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 Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the 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 Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver 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 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 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 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 Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the 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 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 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 Bonds may be issued in the form of a single, fully registered 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 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 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 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 Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver 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 to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the 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 Bonds.** The 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 or purchase the 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 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a municipal advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the 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 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 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 Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the 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.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated “Various Purpose General Obligation Bonds, Series 2024” or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5**. **Provision for Levying and Collecting Tax**. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the 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 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 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 within the ten-mill limitation imposed by law, 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, and 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 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 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 Ohio 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 Bonds.

**Section 6**. **Application of Proceeds**. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund.

**Section 7**. **General Obligation**. The 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 Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the 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 Bonds, or there shall otherwise be paid to the holders of the outstanding 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 Bonds. Outstanding 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 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 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 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 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**. **Bond Anticipation Notes**. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed $26,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a municipal advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Bridges and Roadways

Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of $5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note 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 Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note 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 Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note 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 Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note 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 Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note 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 Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes 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 Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes 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 Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) Sale of the Notes. The Notes 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 or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) Security for the Notes. The Notes shall be 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 Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10**. **Provision for Levying and Collecting Tax**. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That 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 year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11**. **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 Notes or the 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 Notes or the 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 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 official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, 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 Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the 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 Notes or the 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 12**. **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 Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes 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 Bonds and the Notes authorized herein 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 hereof.

**Section 13**. **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 14**. **Federal Tax Covenants**. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as 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 Notes and the 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

Notes and the 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 Notes and the 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 Notes and the 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 available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds 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 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the 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 Notes and the Bonds.

**Section 15**. **Credit Facilities and Ratings**. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a municipal advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a “Credit Support Instrument”). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized statistical rating organization registered with the U.S. Securities and Exchange Commission, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16. 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. 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 Purchasers 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 Bonds authorized in this Ordinance) shall have the same meaning as "municipal advisor" as used in this Ordinance.

**Section 17. 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 Ohio Revised Code.

**Section 18. 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 Bonds and the Notes 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 Bonds or the Notes. It is further found and determined, and is hereby 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 19. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby 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 hereby 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 21**. **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 22**. **Emergency Measure**. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

**Referred to Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.**

# Ordinances and Resolutions

## First Reading Emergency Ordinances Read in Full and Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

These ordinances were read for the first time on Monday, June 3, 2024, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

**Click on an ordinance below to read it:**

| | |
|---|---|
| Ord. No. 615-2024 | Ord. No. 649-2024 |
| Ord. No. 616-2024 | Ord. No. 650-2024 |
| Ord. No. 617-2024 | Ord. No. 651-2024 |
| Ord. No. 618-2024 | Ord. No. 652-2024 |
| Ord. No. 631-2024 | Ord. No. 653-2024 |
| Ord. No. 635-2024 | Ord. No. 654-2024 |
| Ord. No. 636-2024 | Ord. No. 655-2024 |
| Ord. No. 647-2024 | Ord. No. 656-2024 |
| Ord. No. 648-2024 | Ord. No. 668-2024 |

**Ordinance No. 615-2024**

**By Council Members:** Griffin

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio 1976 by amending Section 110.02, as amended by Ordinance No. 105-16, passed February 8, 2016, related to limitations on campaign contributions.**

**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 Codified Ordinances of the City of Cleveland, Ohio are supplemented by amending Section 110.02, as amended by Ordinance No. 105-16, passed February 8, 2016, to read as follows:

Section 110.02 Limitations on Campaign Contributions

(a) No individual shall make, and no candidate for the office of Mayor on his or her own behalf or committee on behalf of a candidate for the office of Mayor shall accept, any contribution which exceeds a total of five thousand dollars ($5,000.00) per individual contributor per calendar year in support of a primary and regular election combined, or a primary and special election combined.

(b) No political action committee shall make, and no candidate for the office of Mayor on his or her own behalf or committee on behalf of a candidate for the office of Mayor shall accept, any contribution which exceeds a total of seven thousand five hundred dollars ($7,500.00) per political action committee per calendar year in support of a primary and regular election combined, or a primary and special election combined.

(c) No individual shall make, and no candidate for the office of a member of Council on his or her own behalf or committee on behalf of a candidate for the office of member of Council shall accept, any contribution which exceeds a total of ~~one thousand five hundred dollars ($1,500.00)~~ three thousand dollars ($3,000.00) per individual contributor per calendar year in support of a primary and regular election combined, or a primary and special election combined.

(d) Notwithstanding any other provision in this section, no political action committee shall make, and no candidate for the office of member of Council on his or her own behalf, or committee on behalf of a candidate, shall accept any contribution which exceeds a total of ~~three thousand dollars ($3,000.00)~~ six thousand dollars ($6,000.00) per political action committee per calendar year, in support of a primary and regular election combined, or primary and special election combined.

(e) No corporation shall make, and no candidate for the offices of Mayor or member of Council shall accept on his or her own behalf or committee on behalf of a candidate for the offices of Mayor or member of Council shall accept from a corporation, any contribution in support of a primary and regular election combined, or a primary and special election combined.

(f) Notwithstanding the provisions in divisions (a) and (c) of this section, no candidate on his or her own behalf or committee on behalf of a candidate, shall accept, from any City of Cleveland employee a contribution that exceeds a total of one hundred dollars ($100.00) per individual employee per calendar year in support of a primary and regular election combined, or a primary and special election combined.

(g) The limitations set forth in divisions (a), (b), (c), and (d) of this section apply to aggregate gifts during any given calendar year. A contributor may make a contribution up to the applicable limit in each of any three (3) non-election years as well as the year of the election.

(h) In the case of an appointment to fill a vacancy in the office of member of Council, or the office of Mayor, the contribution limits provided for in this section shall apply to the election campaign period for such office.

(i) Notwithstanding the provisions of this section, there is no limitation on the amount of personal funds that a candidate may make to his or her own campaign.

(j) This section shall apply to any contributions made to a candidate or committee, whether used by the candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.

**Section 2.** That Section 110.02, as amended by Ordinance No. 105-16, passed February 8, 2016, is 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 14. Nays 3.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, McCormack, Polensek, Santana, Starr.**

**Voting Nay: Maurer, Slife, Spencer.**

**Absent: None.**

**Ordinance No. 616-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance to amend Section 27 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to salaries for various classifications.**

**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 Section 27 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1304-2023, passed November 13, 2023, is amended to read as follows:

Section 27. Laborers International Union of North America (LiUNA), Local 860 (Supervisory). That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Classification | Minimum | Maximum |
|---|---|---|---|
| 1 | Airport Field Unit Leader | 23.77 | 30.68 |
| 2 | Arborist II | 24.13 | 30.37 |
| 3 | Asphalt Construction Unit Leader | 29.10 | 35.30 |
| 4 | Assistant Manager of Parks and Urban Forestry | 29.26 | 34.33 |
| 5 | Assistant Superintendent of Waste Collection | 29.96 | 35.10 |
| 6 | Cemetery Unit Leader | 23.78 | 28.31 |
| 7 | Cemetery Supervisor | 27.17 | 32.04 |
| 8 | Chief Engineering and Construction Inspector | 29.77 | 34.89 |
| 9 | Cold Patch and Crack Sealing Unit Leader | 27.29 | 35.29 |
| 10 | Custodial Worker Supervisor | 22.04 | 26.40 |
| 11 | District Asphalt Construction Unit Leader | 29.12 | 47.74 |
| 12 | General Construction Unit Leader | 37.10 | 42.95 |
| 13 | General Shop Unit Leader | 29.98 | 35.13 |

| | | | |
|---|---|---|---|
| 14 | Greenskeeper | 24.63 | 29.25 |
| 15 | Ground Maintenance Crew Unit Leader | 20.28 | 24.47 |
| 16 | Ground Maintenance Unit Leader | 23.78 | 28.31 |
| 17 | Horticulturist | 33.93 | 39.46 |
| 18 | Horticulturist Maintenance Unit Leader | 26.58 | 31.39 |
| 19 | Labor Unit Leader | 23.77 | 28.30 |
| 20 | Maintenance Unit Leader | 22.78 | 27.22 |
| 21 | Parking Coordinator | 25.05 | 29.71 |
| 22 | Set-Up Unit Leader | 19.92 | 24.07 |
| 23 | Street Maintenance Unit Leader | 23.77 | 28.30 |
| 24 | Street Maintenance General Unit Leader | 29.98 | 35.13 |
| 25 | Street Maintenance District Unit Leader | 36.79 | 42.61 |
| 26 | Superintendent of Construction Equipment | 29.12 | 47.98 |
| 27 | Waste Collection Transfer Station Unit Leader | 26.97 | 31.64 |
| ~~27~~ 28 | Waste Collection Unit Leader | 23.77 | 28.30 |
| ~~28~~ 29 | Waste Collection Unit Leader I | 26.01 | 30.76 |

**Section 2.** That the existing Section 27 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1304-2023, passed November 13, 2023, is 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 617-2024**

**By Council Members:** McCormack

**An emergency ordinance designating West 31st Place with a secondary and honorary designation of "George Hrbek Way".**

**WHEREAS**, Reverend George Hrbek, a social justice giant in Northeast Ohio and former head of Lutheran Metropolitan Ministry, lived on West 31st Place, where he and his wife Stephanie raised their family, until his passing in February 2023 at the age of 91; and

**WHEREAS**, Hrbek, the Lutheran pastor, spent much of the civil rights era in Alabama where he attempted to desegregate churches, and helped create the Selma chapter of the Southern Christian Leadership Conference, a civil rights organization founded by Martin Luther King Jr. with whom he had a personal relationship; and

**WHEREAS**, Hrbek moved from Alabama to Chicago, where he worked to educate other white people about allyship and racism; his messages were often advised by King, who was also working in Chicago at the time; and

**WHEREAS**, in the early 1970s, Hrbek was hired as one of the first staff members of Lutheran Metropolitan Ministry, a Cleveland social services organization that began operating the 2100 Lakeside Men's Shelter when Hrbek became the ministry's interim executive director; and

**WHEREAS**, those who worked closely with Hrbek described him as bold and not afraid of consequences, having been arrested multiple times for advocacy and demonstrations; and

**WHEREAS**, he was at the forefront fighting racial injustice, and was never afraid to stand up to institutions that stood in the way of equity; and

**WHEREAS**, Hrbek was an activist until the end, as demonstrated in his extensive interview with historian Lynn Burnett just after his 90th birthday; and

**WHEREAS**, in an article published by Ideastream Public Media on February 21, 2023, friend Charles See was quoted saying, "When we think in the days ahead and the years ahead, we certainly will remember George...we'll be encouraged and his example will continue to be there to spur the best of us on."; and

**WHEREAS**, the citizens of Cleveland want to honor George Hrbek with a secondary street sign designation of "George Hrbek Way" in recognition of his dedication to racial and social justice and community activism; and

**WHEREAS**, this ordinance constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

**Section 1.** That West 31st Place is designated with a secondary and honorary designation of "George Hrbek Way".

**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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 618-2024**

**By Council Members:** Griffin

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Saint Martin De Porres High School to participate as a sponsor of students for work/study positions with Cleveland City Council.**

**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 Clerk of Council is authorized to enter into an agreement with Saint Martin De Porres High School to participate as a sponsor of students for work/study positions with Cleveland City Council. This agreement shall be entered into as of August 1, 2024, and shall terminate July 31, 2025. Cleveland City Council shall provide sponsorship for up to four students at a time during the term. The agreement shall be certified for $30,200.00 and shall be certified from fund number 01, subfund 001, department 0101, object 6320.

**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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 631-2024**

**By Council Members:** Polensek and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Bureau of Workers' Compensation for the Safety Intervention Grant Program; and authorizing the Director to enter into various written standard purchase and requirement contracts for various types of safety equipment, supplies, and services needed to implement the grant.**

**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 Safety is authorized to apply for and accept a grant in the amount of $40,000, and any other funds that may become available during the grant term from the Ohio Bureau of Workers' Compensation for the Safety Intervention Grant Program; 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 grant package for the grant contained in the file described below.

**Section 2.** That the grant package for the grant, **File No. 631-2024-A**, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of $16,878.35 from Fund No. 01-6001-6397, is approved in all respects and shall not be changed without additional legislative authority. (RQS 6001, RL 2024-67)

**Section 3.** That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, during the grant term, for the necessary items of various types of safety equipment, supplies, and services needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. 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.

**Section 4.** That the costs of the standard or requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later 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 5.** That under Section 108(b) of the Charter, the purchases and services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases or obtain such services and may enter into one or more contracts with the vendors or consultants selected through that cooperative process.

**Section 6.** That the costs of the contract or contracts or payments authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, the cash match, and any other funds approved 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 635-2024**

**By Council Members:** Gray, Hairston and Griffin

**An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement with Burten, Bell, Carr Development, Inc., or its designee, to provide economic development assistance to partially finance hard and soft costs associated with the Buckeye Road Commercial Corridor Revitalization and Stabilization Initiative for up to ten vacant and distressed mixed-use commercial buildings and parking lots.**

**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 Economic Development is authorized to enter into a forgivable loan agreement Burten, Bell, Carr Development, or its designee, to provide economic development assistance to partially finance the hard and soft costs associated with the Buckeye Road Commercial Corridor Revitalization and Stabilization for up to ten vacant and distressed mixed-use commercial buildings and parking lots, and other necessary associated costs.

**Section 2.** That the summary for the loan, **File No. 635-2024-A**, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be materially changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loan.

**Section 4.** That the Director of Economic Development is authorized to accept monies in repayment of the loan, if not forgiven, and to deposit the monies in Fund Nos. 17 SF 006.

**Section 5.** That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 6.** That the costs of any funding under this ordinance shall not exceed $3,879,807.65 and shall be paid from Fund Nos. 10 SF 555, 10 SF 559, 20 SF 567 and other funds approved by the Director of Finance. (RQS 9501, RL 2024-63)

**Section 8.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 636-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance to amend Section 2 of Ordinance No. 664-2022, passed August 10, 2022, as amended, relating to the Community Based Violence Intervention and Prevention Initiative – Cleveland Project THRIVE program.**

**WHEREAS**, under Ordinance No. 664-2022, passed August 10, 2022, as amended by Ordinance No. 1143-2022, passed November 21, 2022, this Council authorized the Director of Finance to apply for and accept a grant in the amount of up to $2,000,000, and any other funds that become available during the grant term from the United States Department of Justice, Bureau of Justice Assistance to conduct the Community Based Violence Intervention and Prevention Initiative – Cleveland Project THRIVE program and to provide for a contract with the Cleveland Foundation for additional funding support; and

**WHEREAS**, due to unused grant funds and an increase in in-kind services from the Cleveland Foundation, the City prepared a modified budget for the grant which has been approved by the United States Department of Justice; and

**WHEREAS**, the reallocated unused grant funds, the additional in-kind services from the Cleveland Foundation, and the unfilled Program Manager position to budget line items, can now be used to best support community-based violence intervention and prevention initiative work at the community level; 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 Section 2 of Ordinance No. 664-2022, passed August 10, 2022, as amended by Ordinance No. 1143-2022, passed November 21, 2022, is amended to read as follows:

> Section 2. That the summary for the grant, File No. ~~664-2022-B~~ 664-2022-C, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

**Section 2.** That existing Section 2 of Ordinance No. 664-2022, passed August 10, 2022, as amended by Ordinance No. 1143-2022, passed November 21, 2022, is 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 647-2024**

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

**An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Cleveland Cavaliers, or its designee, to permit and accept improvements to Public Auditorium for the Cleveland Charge, an affiliate of the Cleveland Cavaliers, to conduct and host league basketball games, and to lease areas in Public Auditorium, for a term of six years.**

**WHEREAS**, the Cleveland Charge is an American professional basketball team in the NBA G League based in Cleveland and is affiliated with the Cleveland Cavaliers (the “Cleveland Charge”); 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, notwithstanding any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into an agreement with the Cleveland Cavaliers, or its designee (the “Cavaliers”), to permit, subject to the approval of City officials, the construction of an estimated $3,000,000 of various improvements in Public Auditorium, including but not limited to, constructing one or more locker rooms and office and team areas, upgrading, modifying and improving HVAC and other building systems, and making other related improvements, which would allow the Cleveland Charge to conduct and host league basketball games during the term of the agreement (the “Improvements”); to accept the Improvements; and to lease areas in Public Auditorium for the Cleveland Charge to conduct and host such basketball games (the “Agreement”). Any parking or concession agreement shall require additional legislative authority.

**Section 2.** That, notwithstanding any section of the Codified Ordinances of Cleveland, Ohio, 1976 and as consideration of the Improvements, the Cavaliers shall pay the City an amount with and annual escalation to cover the cost of rent and labor for each game event which amount and escalation shall be determined by the Board of Control. In addition, the City shall credit rent and labor costs in the amount of 33% of the Improvement costs to a maximum of $1,000,000.

**Section 3.** That the term of the Agreement shall be for six years.

**Section 4.** That the Agreement shall be prepared by the Director of Law and shall contain such terms and conditions to protect and benefit the public interest.

**Section 5.** That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates and take any other actions which may be necessary or appropriate to effectuate this ordinance.

**Section 6.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 15. Nays 0. Recusals 2.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kelly, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Recusals: Kazy, Maurer.**

**Absent: None.**

**Ordinance No. 648-2024**

**By Council Members:** Howse-Jones

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Midtown Cleveland Inc. for the Office Communication Project through the use of Ward 7 Casino Revenue Funds.**

**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 the Department of Community Development is hereby authorized to enter into agreement with Midtown Cleveland Inc. for the Office Communications Project for the public purpose of providing better city resource communication support through the use of Wards 7 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $5,700.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 7 | $5,700.00 | G24664 |

**Section 3.** That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 21, 2024. Project shall begin as of June 1, 2024.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 649-2024**

**By Council Members:** Griffin

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with The Diversity Institute, Cleveland State University for Project 400 Conference through the use of Ward 6 Casino Revenue Funds.**

**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 the Department of Community Development is hereby authorized to enter into agreement with The Diversity Institute, Cleveland State University for the public purpose of providing the Project 400 Conference through the use of Wards 6 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $10,000.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 6 | $10,000.00 | G24649 |

**Section 3.** That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 21, 2024. Project shall begin as of February 1, 2024.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 650-2024**

**By Council Members:** Jones, Bishop, Gray, Starr, Griffin, Conwell, Hairston, Kelly, Maurer, Spencer, Kazy, Slife

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Impact Youth Incorporated for the Revolutionary Minds Summer League Youth Basketball Program through the use of Wards 1, 2, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17 Casino Revenue Funds.**

**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 the Department of Public Works is hereby authorized to enter into agreement with Impact Youth Incorporated for the Revolutionary Minds Summer League for the public purpose of providing a youth basketball program through the use of Wards 1, 2, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $34,505.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 1 | $1,000.00 | G24670 |
| Ward 2 | $1,000.00 | G24670 |
| Ward 4 | $1,000.00 | G24670 |
| Ward 5 | $2,000.00 | G24670 |
| Ward 6 | $1,500.00 | G24670 |
| Ward 9 | $1,000.00 | G24670 |
| Ward 10 | $1,500.00 | G24670 |
| Ward 11 | $2,500.00 | G24670 |
| Ward 12 | $1,000.00 | G24670 |
| Ward 15 | $2,000.00 | G24670 |
| Ward 16 | $19,005.00 | G24670 |
| Ward 17 | $1,000.00 | G24670 |

**Section 3.** That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 30, 2024. Project shall begin as of May 1, 2024.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 651-2024**

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

**An emergency ordinance authorizing the Directors of Economic Development and Finance to enter into a Job Creation Income Tax Credit Incentive Program agreement with James B. Oswald Company, and/or its designee, to facilitate the purpose and provisions of this ordinance; and authorizing the director to enter into a grant agreement to provide economic development assistance to partially finance building renovations located at 950 Main Avenue.**

**WHEREAS**, pursuant to the authority of Revised Code Section 718.15, Section 192.16 of the Codified Ordinances of Cleveland, Ohio, 1976 ("CCO"), and Ordinance No. 1345-2023, passed December 4, 2023, and in accordance with CCO Section 192.19, the City has created a Job Creation Income Tax Credit Incentive Program ("JCI Tax Credit Program"); and

**WHEREAS**, prior to passage of this ordinance, the City and the company listed below have reached an agreement specifying all the conditions of the JCI Tax Credit Program were granted and placed in **File No. 651-2024-A**; 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 Directors of Economic Development and Finance are authorized to enter into a Job Creation Income Tax Credit Incentive Program agreement ("JCI Tax Credit Agreement"), for a period not to exceed five years, with James B. Oswald Company, and/or its designee (the "Company"), to provide financial assistance and incentives, by means of a credit against net profit tax due to the Central Collection Agency ("CCA") to Company, an eligible applicant for such credit, which Company will create a minimum of fifty (50) full time jobs new to the City. Company may receive five (5) annual credits measured as 50% of the income tax withholding revenue the City derives from new employees of the Company that will be granted within the Company's annual net profit return to be filed with CCA.

**Section 2.** That the Company must not be delinquent on any portion of its tax filing and payment requirements including but not limited to real estate taxes, municipal income taxes, and withholding tax obligations on behalf of its employees. The term of the JCI Tax Credit Agreement authorized by this ordinance shall not exceed the term of the Company's lease, and in no event shall exceed five years, unless otherwise approved by Council.

**Section 3.** That the Director of Economic Development is authorized to enter into a grant agreement with the Company to provide economic development assistance to partially finance building renovations located at 950 Main Avenue.

**Section 4.** That the Directors of Economic Development, Finance and Office of Equal Opportunity are authorized to enter into a Community Benefits Agreement as a condition to receive funds under this ordinance.

**Section 5.** That the Mayor, the Director of Finance, the Director of Economic Development, the Director of Law, and any other City officials, as appropriate, are each authorized to prepare and sign any other documents, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate and implement the transactions described in or contemplated by this ordinance.

**Section 6.** That the contract authorized in this legislation will require the recipients of financial assistance and to work with, and/or cause their tenants to work with, Ohio Means Jobs Cuyahoga County and City of Cleveland to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

**Section 7.** That the costs of the grant shall not exceed an amount of $1,000,000 and shall be paid from Fund No. 17 SF 652. (RQS 9501, RL 2024-64)

**Section 8.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 652-2024**

**By Council Members:** Kazy

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Jefferson-Puritas West Park Development Corporation for the public purpose of providing Ward 16 Code Enforcement Program through the use of Wards 16 Casino Revenue Funds**

**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 the Department of Community Development is hereby authorized to enter into agreement with the Jefferson-Puritas West Park Development Corporation for the public purpose of providing Ward 16 Code Enforcement Program through the use of Wards 16 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $22,500.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 16 | $22,500.00 | G24671 |

**Section 3**. That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 21, 2024. Project shall begin as of July 1, 2024.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City’s interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 653-2024**

**By Council Members:** Conwell

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Famicos Foundation for the John Marshall Band Project through the use of Ward 9 Casino Revenue Funds.**

**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 the Department of Community Development is hereby authorized to enter into agreement with Famicos Foundation for the John Marshall Band Project for the public purpose of providing band uniforms through the use of Ward 9 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $7,000.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 9 | $7,000.00 | G24656 |

**Section 3**. That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 21, 2024. Project shall begin as of May 1, 2024.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 654-2024**

**By Council Members:** Jones

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the public purpose of providing the Food Card Distribution Program through the use of Ward 1 Casino Revenue Funds.**

**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 the Department of Community Development is hereby authorized to enter into agreement with the Famicos Foundation for the public purpose of providing the Food Card Distribution Program through the use of Ward 1 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $12,500.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 1 | $12,500.00 | G23642 |

**Section 3**. That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 21, 2024. Project shall begin as of November 1, 2023.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 655-2024**

**By Council Members:** Starr

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Burten, Bell, Carr Development, Inc. for the Youth Football Recreation Program through the use of Ward 5 Casino Revenue Funds.**

**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 the Department of Public Works is hereby authorized to enter into agreement with Burten, Bell, Carr Development, Inc. for the Youth Football Recreation Program for the public purpose of providing a youth football and mentoring program through the use of Ward 5 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $19,885.45 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 5 | $19,885.45 | G24672 |

**Section 3**. That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 30, 2024. Project shall begin as of June 1, 2024.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 656-2024**

**By Council Members:** Polensek, Kelly, and Kazy

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the public purpose of providing the Food Card Distribution Program through the use of Wards 8, 11 and 16 Casino Revenue Funds.**

**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 the Department of Community Development is hereby authorized to enter into agreement with the Famicos Foundation for the public purpose of providing the Food Card Distribution Program through the use of Wards 8, 11, and 16 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed $7,500.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

| Ward | Amount | Project Number |
|---|---|---|
| Ward 8 | $1,000.00 | G24645 |
| Ward 11 | $2,500.00 | G24645 |
| Ward 16 | $4,000.00 | G24645 |

**Section 3**. That the Law Department has reviewed and approved this proposal on May 30, 2024. The Department has reviewed and approved the proposal on May 21, 2024. Project shall begin as of November 1, 2023.

**Section 4.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 5.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 668-2024**

**By Council Members:** Gray

**An emergency ordinance to authorize the Director of Public Works to enter into a First Amendment to Agreement with Burten Bell Carr Development Corporation, Inc. for the Reddog Nation – Youth Football and Tutoring Program to increase the amount to be paid from Ward 4 Casino Funds Revenue Funds.**

**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 the Department of Public Works is authorized to enter into a First Amendment to Agreement with Burten, Bell, Carr Development, Inc. for the Reddog Nation – Youth Football and Tutoring Program to increase the amount to be paid from Ward 4 Casino Revenue Funds.

**Section 2.** That the Director of Finance shall certify the First Amendment in an amount not to exceed $5,000, to be paid from Fund No. 10 SF 188 using Ward 4 fund and project number G23627.

**Section 3.** That the Director of Law shall prepare the First Amendment which shall include such terms and conditions as the Director deems necessary to protect the public interest.

**Section 4.** 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

# Ordinances and Resolutions

## First Reading Emergency Resolutions Referred

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor’s signature or 10 days after adoption.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation “under suspension.” Ordinances may be passed under suspension after either the first or second reading.

If not adopted under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

These resolutions were read for the first time on Monday, June 3, 2024, and referred to the appropriate City departments and Council Committees for review.

**Click on a resolution below to read it:**

Res. No. 619-2024

**Resolution No. 619-2024**

**By Council Members:** Polensek, Bishop, Hairston and Griffin (by departmental request)

**An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeside Avenue) by design, inspection, reconstructing, repairing and/or installing of roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances, if necessary, encroaching upon the public right-of-way.**

**WHEREAS**, under Resolution No. 1301-2023, adopted January 22, 2024, this Council declared the necessity of improving Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeside Avenue) by design, inspection, reconstructing, repairing and/or installing of roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances, if necessary, encroaching upon the public right-of-way; and

**WHEREAS**, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

**WHEREAS**, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

**WHEREAS**, written objection to the estimated assessments may be filed by one or more property owners; 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 Robert E. Cahill, Michelle Felder, and Chris Garland, three disinterested freeholders of the City, are appointed as assessment equalization board members for the assessment and Paula Morrison and Theresa Sutton, both disinterested freeholders, are appointed alternate members, to hear and determine all written objections filed under the law to the estimated assessments for each of the respective assessment areas heretofore filed with the Clerk of this Council under Resolution No. 1302-2023, adopted January 22, 2024, by this Council.

**Section 2.** That the assessment equalization board shall meet beginning at 3:00 p.m. on Tuesday, August 13, 2024, at Cleveland City Hall, 601 Lakeside Avenue, Room 518, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments for each assessment area, to this Council.

**Section 3.** That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization boards.

**Section 4.** That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Referred to Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.**

# Ordinances and Resolutions

## First Reading Emergency Resolutions Read in Full and Adopted

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor's signature or 10 days after adoption.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

These resolutions were read for the first time on Monday, June 3, 2024, the rules were suspended, and the legislation was adopted by an affirmative two-thirds vote of all members elected to Council.

**Click on a resolution below to read it:**

Res. No. 620-2024

Res. No. 621-2024

Res. No. 622-2024

**Resolution No. 620-2024**

**By Council Members:** Griffin, Howse-Jones, Jones, Bishop, McCormack, Gray, Starr, Polensek, Conwell, Hairston, Kelly, Maurer, Harsh, Santana, Spencer, Kazy and Slife

**An emergency resolution urging the Cleveland Metropolitan School District to change the name of East Professional Center to "Arnold R. Pinkney Professional Center".**

**WHEREAS**, Arnold R. Pinkney is the Chairman of Pinkney-Perry Insurance Agency, Inc., which has been in business for 42 years in Cleveland; he is also Senior Consultant and Chief Operations Officer of betpin & associates, a consulting firm focusing on political strategic planning and management consulting as well as representing motivational speakers; and

**WHEREAS**, a native of Youngstown, Ohio, Mr. Pinkney received a Bachelor of Arts in Political Science and History, along with a minor in Economics, from Albion College in Michigan; he attended Case Western Reserve School of Law, is a graduate of the Agency Management Training Course, and holds an Honorary Doctor of Law Degree from Central State University in Wilberforce, Ohio, where he was appointed to the Board of Trustees by Governor John Gilligan; and

**WHEREAS**, Mr. Pinkney began his professional career at Great Lakes Mutual Life Insurance and Prudential Life Insurance companies; Mr. Pinkney was the first African American hired by Prudential nationally and the first African American to become a million-dollar producer; and

**WHEREAS**, a great proponent of education, his illustrious career with the Cleveland School Board began with his appointment in 1967, and continued with his election to the School Board in 1967, 1973 and 1977; Mr. Pinkney was elected School Board President in 1971 and reelected every subsequent year until 1978; and

**WHEREAS**, Mr. Pinkney serves on many boards affecting Cleveland's economic, civic and political communities, including The Urban League, University Circle, Incorporated and Cleveland Musical Arts Association; Mr. Pinkney is a founder and a member of the Board of Directors of the First National Bank Association, established in 1974 as the first African American full service bank in Ohio; and

**WHEREAS**, for years, Arnold Pinkney has been a concerned and involved citizen of greater Cleveland, demonstrating dedication and commitment to the health and welfare of the City by providing limitless public service and community volunteerism to support business, civic, educational and political endeavors that have improved and enhanced the City; 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 urges the Cleveland Metropolitan School District to change the name of East Professional Center to “Arnold R. Pinkney Professional Center”.

**Section 2.** That the Clerk is directed to send copies of this resolution to Dr. Warren G. Morgan, CEO, Cleveland Metropolitan School District.

**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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Resolution No. 621-2024**

**By Council Members:** Santana

**An emergency resolution objecting to a New C1 Liquor Permit at 3315 Clark Avenue.**

**WHEREAS**, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Clarks Beverage, LLC, 3315 Clark Avenue, Cleveland, Ohio 44109, Permit No. 1525509; 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 a New C1 Liquor Permit at Clarks Beverage, LLC, 3315 Clark Avenue, Cleveland, Ohio 44109, Permit No. 1525509; 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 new permit 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Resolution No. 622-2024**

**By Council Members:** Starr

**An emergency resolution withdrawing objection to the transfer of stock of a D5J and D6 Liquor Permit at 921 Huron Road, 1st floor, basement, mezz and patio and repealing Resolution No. 194-2024, objecting to said transfer.**

**WHEREAS**, this Council objected to the transfer of stock of a D5J and D6 Liquor Permit to 921 Tavern, LLC, 921 Huron Road, 1st floor, basement, mezz and patio, Cleveland, Ohio 44115, Permit No. 6417545 by Resolution No. 194-2024 adopted by the Council on February 12, 2024; and

**WHEREAS**, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 a D5J and D6 Liquor Permit to 921 Tavern, LLC, 921 Huron Road, 1st floor, basement, mezz and patio, Cleveland, Ohio 44115, Permit No. 6417545, be and the same is hereby withdrawn and Resolution No. 194-2024, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read second time.**

**Read third time in full. Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

# Ordinances and Resolutions

# Second Reading Emergency Ordinances Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading. If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

After departmental review, the ordinance is returned to Council for consideration in a public hearing before the appropriate Council Committee(s). Council Members and City departments can recommend changes, or amendments, to the legislation during the hearing process. After the review is complete and any amendments have been made, the legislation is read a second time at a Council meeting. A second reading allows Council Members and the public to hear what changes have been made to the law. Amendments cannot be made after the second reading of the legislation.

These ordinances were read for the second time on Monday, June 3, 2024, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

**Click on an ordinance below to read it:**

Ord. No. 161-2024

Ord. No. 166-2024

Ord. No. 241-2024

Ord. No. 443-2024

Ord. No. 469-2024

Ord. No. 470-2024

Ord. No. 474-2024

Ord. No. 475-2024

Ord. No. 476-2024

Ord. No. 479-2024

Ord. No. 480-2024

Ord. No. 481-2024

| | |
|---|---|
| Ord. No. 482-2024 | Ord. No. 547-2024 |
| Ord. No. 522-2024 | Ord. No. 548-2024 |
| Ord. No. 523-2024 | Ord. No. 577-2024 |
| Ord. No. 524-2024 | Ord. No. 578-2024 |
| Ord. No. 526-2024 | Ord. No. 581-2024 |
| Ord. No. 527-2024 | Ord. No. 583-2024 |
| Ord. No. 542-2024 | Ord. No. 585-2024 |
| Ord. No. 543-2024 | Ord. No. 592-2024 |
| Ord. No. 544-2024 | Ord. No. 593-2024 |
| Ord. No. 546-2024 | Ord. No. 595-2024 |

**Ordinance No. 161-2024**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Manufacturing Works, or its designee, to provide economic development assistance for the Cleveland Industrial Retention Initiative Program during the first half of 2024.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 7, and in Section 1, line 4, strike "the first half of" in both places.

2. In Section 2, line 1, strike "$250,000" and insert "$500,000".

Approved by the Directors of Economic Development; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 166-2024**

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

**An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for PY2024 under the Title I of the Housing and Community Development Act of 1974, for the 2024 Federal HOME Investment Partnerships Act Program, Emergency Solutions Grant Program, and the Housing Opportunities for Persons with AIDS Program; and authorizing contracts and other expenditures.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, line 3, strike "$20,779,240" and insert "$19,883,456"; in line 4, strike "$5,462,346" and insert "$4,200,829"; in line 4, strike "$1,856,678" and insert "$1,826,276"; and in line 6, strike "$2,356,937" and insert "$2,374,534".

2. In Section 3, beginning with line 4, strike the remainder of the section in its entirety and insert:

"**1. 10-YEAR HOUSING PLAN**

**A. Strategic Initiatives**

| | **Funding** | **Est. 2024 Allocation** | **Actual 2024 Allocation** | **RLA** |
|---|---|---|---|---|
| Middle Neighborhoods | CDBG | $200,000 | $198,835 | RQS 8006 RLA 2024 0026 |
| Banking Relations | CDBG | $100,000 | $99,417 | RQS 8006 RLA 2024 0027 |
| Abatement, Demolition, and Board-Up | CDBG | - | - | |
| Project Clean | CDBG | $1,110,000 | $953,823 | RQS 8006 RLA 2024 0010 |
| Citywide Grants | CDBG | $150,000 | $139,184 | RQS 8006 RLA 2024 0011 |
| CDC Activity Grants | CDBG | $1,200,000 | $1,053,240 | RQS 8006 RLA 2024 0011 |

**B. Safe Housing Initiatives**

| | **Funding** | **Est. 2024 Allocation** | **Actual 2024 Allocation** | **RLA** |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| Home Repair Program | CDBG | $1,631,000 | $1,450,910 | RQS 8006 RLA 2024 0020 |
| Home Repair Program | HOME | $500,000 | $386,476 | RQS 8006 RLA 2024 0020 |
| Competitive Lead Grants | CDBG | - | - | |
| Citywide Grants | CDBG | $150,000 | $139,184 | RQS 8006 RLA 2024 0011 |
| Housing Rehab Administration | CDBG | - | $914,639 | |

**C. Affordable Housing Expansion and Preservation**

| | Funding | Est. 2024 Allocation | Actual 2024 Allocation | RLA |
|---|---|---|---|---|
| Housing Trust Fund | HOME | $3,808,346 | $2,730,539 | RQS 8006 RLA 2024 0021 |
| Housing Trust Fund | CDBG | - | - | |
| CHDO Set Asides | HOME | $668,000 | $630,124 | RQS 8006 RLA 2024 0021 |
| Citywide Grants | CDBG | $150,000 | $139,184 | RQS 8006 RLA 2024 0011 |
| Fair Housing Administration | CDBG | - | - | |
| Housing Devlp. Office Administration | CDBG | - | - | |

**D. Supporting Housing Infill Development**

| | Funding | Est. 2024 Allocation | Actual 2024 Allocation | RLA |
|---|---|---|---|---|
| Citywide Grants | CDBG | $150,000 | $139,184 | RQS 8006 RLA 2024 0011 |

**2. ECONOMIC OPPORTUNITY**

| | Funding | Est. 2024 Allocation | Actual 2024 Allocation | RLA |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| **A. Storefront Renovation** | CDBG | $367,000 | $257,902 | RQS 8006 RLA 2024 0012 |

## 3. ENDING POVERTY AND RACIAL DISPARITIES

| | Funding | Est. 2024 Allocation | Actual 2024 Allocation | RLA |
|---|---|---|---|---|
| **A. Support the City/County Continuum of Care** | ESG | $1,776,678 | $1,746,276 | RQS 8006 RLA 2024 0017 |
| Continuum of Care COC | CDBG | - | $500,000 | |
| ESG Administration | ESG | - | - | |
| **B. Public Services Addressing Neighborhood Revitalization Strategy Area** | CDBG | - | - | |
| Systemic Poverty | CDBG | $1,000,000 | $654,406 | RQS 8006 RLA 2024 0013 |
| Youth Violence | CDBG | $150,000 | $134,184 | RQS 8006 RLA 2024 0013 |
| Poverty and Accessibility Among Elderly | CDBG | $200,000 | $193,835 | RQS 8006 RLA 2024 0013 |
| Other Public Services | CDBG | $150,000 | $134,184 | RQS 8006 RLA 2024 0029 |
| Community Engagement | CDBG | $500,000 | $369,548 | RQS 8006 RLA 2024 0028 |
| **C. Housing for Persons with HIV/AIDS** | HOPWA | $2,356,937 | $2,374,534 | RQS 8006 RLA 2024 0018 |
| **CDBG AIDS Prevention** | CDBG | $284,000 | $278,368 | RQS 8006 RLA 2024 0014 |

## 4. NEIGHBORHOOD IMPROVEMENT

| | Funding | Est. 2024 Allocation | Actual 2024 Allocation | RLA |
|---|---|---|---|---|
| **A. Community Gardens** | CDBG | $126,000 | $119,301 | RQS 8006 RLA 2024 0015 |
| **B. Improvement and Preservation of** | | | | |

| | | | | |
|---|---|---|---|---|
| **Neighborhood Public Facilities** | | | | |
| City Public Facilities ~~North Point &~~ 5 Points | CDBG | -0-- | $278,368- | |
| Other Public Facilities | CDBG | ~~$300,000~~ | -0- | RQS 8006 RLA 2024 0029 |
| **Neighborhood Development Grants** | CDBG | $7,600,000 | $7,600,000 | N/A |
| | | | | |
| **General Administration** | CDBG | $5,261,780 | $4,135,760 | N/A |
| | HOME | $486,000 | $453,690 | N/A |
| | ESG | $80,000 | $80,000 | N/A |
| **Total** | | **$30,455,201** | **$28,285,095** | |

**INDIVIDUAL GRANT TOTALS:**

| | **Est. 2024 Allocation** | **Actual 2024 Allocation** |
|---|---|---|
| | $20,779,240 | $19,883,456 |
| **CDBG** | $5,462,346 | |
| **HOME** | $1,856,678 | $4,200,829 |
| **ESG** | $2,356,937 | $1,826,276 |
| **HOPWA** | | $2,374,534 |
| **Total** | **$30,455,201** | **$28,285,095**” |

Approved by the Directors of Community Development; Public Works; Public Health; Building and Housing; Aging; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 241-2024**

**By Council Members:** Conwell

**An emergency ordinance changing the name of Moulton/Scoutway Park in Ward 9 to "Shirley Chisholm Park".**

Approved by the Directors of Public Works; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 443-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance determining the method of making the public improvement of constructing the Panna Lane Pump Station, Belvidere Avenue, Mannering Avenue, Courtland Avenue/Victory Boulevard, West 50th Street, Lawnview Avenue and Capitol Avenue Area sewer improvements, including but not limited to, installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary for the improvement; and to apply for and accept funding.**

Approved by the Directors of Public Utilities; City Planning Commission; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 469-2024**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Little Italy Redevelopment Corporation to encroach into the public right-of-way of Random Road by installing and maintaining a "Guardians of Traffic" Ohio Historical Marker.**

Approved by the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Development Planning and Sustainability.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 470-2024**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a ground lease with SureWx, Inc. for the use and occupancy of property located at 5300 Riverside Drive of Cleveland Hopkins International Airport to install a weather station, for a period of five years, with two five-year options to renew, exercisable by the Director of Port Control.**

Approved by the Directors of Port Control; City Planning Commission; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 474-2024**

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

**An emergency ordinance authorizing the Director of Port Control to lease certain property located at 1201 North Marginal Road to the Cleveland Coordinating Committee for the Cod, Inc. for the purpose of operating a submarine museum and memorial, for a term of two years, with three one-year options to renew, exercisable by the Director of Port Control.**

Approved by the Directors of Port Control; City Planning Commission; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 475-2024**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Wargo Law, LLC, for the lease of space in the Terminal Building at Burke Lakefront Airport for operating a law firm, for a period of one year, with three one-year options to renew, exercisable by the Director of Port Control.**

Approved by the Directors of Port Control; City Planning Commission; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 476-2024**

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

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to maintain, manage, secure, and promote City-owned properties at the North Coast Harbor and to fulfill the Common Area Maintenance Agreement with the stakeholders of North Coast Harbor, for a period of one year, with three one-year options to renew, exercisable by the Director of Port Control.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, at the end, and in Section 1, at the end of the first paragraph, between "Control" and the period insert "and through additional legislative authority" in both places.

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 479-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide website hosting services, upgrades and/or enhancements as needed, including maintenance, for a period of three years, with two one-year options to renew, exercisable by the Director of Public Utilities.**

Approved by the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 480-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Northcoast Process Controls, Inc. for proprietary valves, actuators, appurtenances, and other components of the valve actuator systems, and labor and materials needed to repair, replace, maintain, exercise, inspect, and test existing equipment, and to provide related services, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

Approved by the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 481-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the purchase by one or more requirement contracts various types of machines, equipment, and repair parts for the Divisions of Water, Cleveland Public Power and Water Pollution Control of the Department of Public Utilities, for a period up to two years.**

Approved by the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 482-2024**

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

**An emergency ordinance authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Cleveland LD, LLC, and/or its affiliates and designees, for the purpose of entering the chain of title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, strike lines 16, 17, 18, and 19 in their entirety and insert "101-24-008, 101-30-001, 101-30-002, 101-"; and in line 20, at the end, strike the period and add the following: ", which are more fully described by their legal descriptions added to the above-mention file."

Approved by the Directors of Economic Development; City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 522-2024**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 559.248 relating to the creation of the Colombian Cultural Garden at 1325 Martin Luther King, Jr. Boulevard.**

Approved by the Directors of Public Works; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and
Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 523-2024**

**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 Lease Agreement No. CT3001 LS 2022-0011 with MarKenCami, LLC for the lease of office space at Burke Lakefront Airport for the operation of a software company.**

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 524-2024**

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

**An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Lease Agreement No. CT 3001 LS 2024-06 with MarKenCami, LLC to increase the leased premises located at Burke Lakefront Airport.**

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 526-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general training and development of employees; and to enter into a contract with the Operator Training Committee of Ohio, each for a period of two years, with two one-year options to renew, exercisable by the Director of Public Utilities.**

Approved by the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 527-2024**

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

**An emergency ordinance authorizing the purchase by one or more contracts of blast resistant trash receptacles for Cleveland Hopkins International Airport, for the Department of Port Control.**

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 542-2024**

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

**An emergency ordinance to amend the title, the first and second whereas clauses, and Sections 1, 2, 3, and 4 of Ordinance No. 532-2023, passed May 15, 2023; and to add two additional whereas clauses and new Sections 1a, 3a and 3b, relating to the improvement for the West Side Market and to authorize, as an alternative, grant agreements with Cleveland Public Market Corporation, or an entity affiliated with or controlled by CPMC, to provide economic development assistance for the design and construction of the improvement through the grant agreements.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 3, at new Section 1a, lines 3 and 4, strike "or one or ore amendment to the Management Agreement,"; and at line 5, at the end, inset the following new sentence: "The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Design-Build Public Improvement.".

2. In Section 3, at new Section 3b, at the end, insert the following new sentence: "The grant agreement(s) for the Grant Agreement Improvement shall require, without limitation, the following: a competitive procurement process according to applicable provisions of the Codified Ordinances; compliance with the prevailing wage requirements set forth in Section 185.33 of the Codified Ordinances and Chapter 4115 of the Ohio Revised Code; compliance with Chapter 187 of the Codified Ordinances to meet Cleveland small business, minority business and female business participation goals; and compliance with Chapter 190A of the Codified Ordinances regarding community benefits agreements, as applicable.".

Approved by the Directors of Capital Projects; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 15. Nays 2.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer.**

**Voting Nay: Hairston, Starr.**

**Absent: None.**

**Ordinance No. 543-2024**

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

**An emergency ordinance authorizing an additional Ten-Million Dollars ($10,000,000.00) for improvements to the West Side Market contemplated under Ordinance No. 532-2023, passed May 15, 2023.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, line 2 strike "01-7005-6926" and insert "01-9997-6985".

Approved by the Directors of Capital Projects; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 15. Nays 2.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer.**

**Voting Nay: Kazy, Starr.**

**Absent: None.**

**Ordinance No. 544-2024**

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

**An emergency ordinance to supplement Ordinance No. 54-2023, passed March 20, 2023, to add new Section 10; and to renumber existing Sections 10, 11, and 12 to new Sections 11, 12, and 13, relating to the Development and/or Purchase Agreement with TurnDev, or its designee, for the development and sale of real property and buildings located at 2530-2570 Superior Avenue as the new police headquarters.**

Approved by the Directors of Capital Projects; Building and Housing; Finance; and Law; Committees on Safety; Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 16. Nays 1.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: Kazy.**

**Absent: None.**

**Ordinance No. 546-2024**

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

**An emergency ordinance authorizing the Director of City Planning to apply for and accept a grant from the United States Department of Transportation for the 2023 Safe Streets and Roads for All Grant; authorizing the Director of City Planning, or appropriate Director, to enter into contracts to implement the grant; determining the method of making the public improvement of constructing safety improvements through a quick-build demonstration project on St. Clair Avenue and authorizing contracts to make the improvement; to apply for and accept any gifts or grants from any public or private entity; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.**

Approved by the Directors of City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 547-2024**

**By Council Members:** Polensek and Griffin (by departmental request)

**An emergency ordinance nominating and voting on who should serve on Cuyahoga County's 9-1-1 Program Review Committee.**

Approved by the Directors of Public Safety; Finance; and Law; Committees on Safety; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 548-2024**

**By Council Members:** Polensek and Griffin (by departmental request)

**An emergency ordinance approving the 9-1-1 Plan of Cuyahoga County, dated March 6, 2024.**

Approved by the Directors of Public Safety; Finance; and Law; Committees on Safety; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 577-2024**

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

**An emergency ordinance authorizing the Director of Public Works to enter into one or more agreements with Changeover, or its designee, to allow and accept improvements to four tennis courts at Thurgood Marshall Recreation Center, as a gift to the City.**

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 578-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Global Cleveland to provide services to immigrants, refugees, international students, and new citizens of Cleveland, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.**

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 581-2024**

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

**An emergency ordinance to amend the title and Sections 1 and 5 of Ordinance No. 683-2021, passed September 27, 2021, and to supplement the ordinance by adding new Sections 5a, 5b, and 5c, relating to authorizing the Director of Capital Projects to apply for and accept funding from the Ohio Department of Transportation for the preliminary study of the Lakefront Pedestrian Bridge and authorizing contracts.**

Approved by the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committee on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 16. Nays 1.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: Kazy.**

**Absent: None.**

**Ordinance No. 583-2024**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.**

Approved by the Directors of Public Works; City Planning Commission; Finance; and Law; Committee on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 585-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants, computer software developers, or vendors to acquire licenses for a grant management software system to manage and implement grants, including related services, for the Division of Financial Reporting and Control, Department of Finance, for a period of three years with two one-year options to renew, exercisable by the Director of Finance.**

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 592-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency ordinance to authorize the Director of Finance to enter into an amendment to Contract No. 61386 with ADP, Inc. for licenses and services for an integrated payroll and human resources information system to extend the term of the contract for up to one year, with one or more options to renew for an additional total term not to exceed two years, exercisable by the Director of Finance.**

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 593-2024**

**By Council Members:** Kazy

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio 1976 by amending Section 459.11, as amended by Ordinance No. 1693-06, passed October 9, 2006, related to parking infraction fines.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, at amended Section 459.11(a), line 2, strike "(b) or (c)" and insert "(b), (c), (d) or (e)".

2. In Section 1, at amended Section 459.11(d), line 3, strike "two hundred dollars ($200.00)" and insert "one hundred fifty dollars ($150.00)".

Approved by the Directors of Public Works; Public Safety; Finance; and Law; Committees on Municipal Services and Properties; Safety; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 595-2024**

**By Council Members:** McCormack, Howse-Jones and Griffin (by departmental request)

**An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Clutch Consulting Group, the Cleveland Mediation Center, and various non-profit organizations for the purpose of developing and implementing direct-to-housing encampment resolution practices to eliminate unsheltered homelessness in the City of Cleveland as part of “A Home for Every Neighbor: A Vision For Housing Our Unsheltered Community” initiative, for the Department of Finance, for a period not to exceed eighteen months.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, lines 12 and 13; in Section 1, line 5; in Section 2, lines 5 and 6; and in Section 3, line 4, strike “for a period not to exceed eighteen months” and insert “for a period or periods not to exceed a total of eighteen months” in all four places.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

# Ordinances and Resolutions

## Second Reading Ordinances Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Typically, legislation cannot be passed until it has been read on three separate days. However, this requirement is dispensed with a two-thirds vote by the Council, placing the legislation "under suspension." Once under suspension, the legislation can be passed after the second reading.

These ordinances were read for the second time on Monday, June 3, 2024, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

**Click on an ordinance below to read it:**

Ord. No. 347-2024

Ord. No. 446-2024

Ord. No. 447-2024

Ord. No. 529-2024

**Ordinance No. 347-2024**

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

**An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Title VIIA, Cleveland Neighborhood Form-Based Code, which consists of Chapters 3001 through 3007; and to amend Section 327.01 of the codified ordinances, as enacted by Ordinance No. 546-93, passed June 14, 1993, to reference the new Title VIIA, Cleveland Neighborhood Form-Based Code.**

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. Strike existing Section 3 in its entirety and insert the following new Section 3 to read as follows:

“Section 3. That the Director of City Planning shall provide all members of Council a report every six months concerning the implementation and impact of the Form Based Code within each pilot area, including but not limited to measures such as application cycle time, number of projects, the number and type of variances requested and issued, number and type of code or map amendments, number of new housing units and dwelling units per project, property tax changes over time, property transfers including average residential sales price and price per square foot, property values and property value changes over time, number of new street trees, and a summary of new building types and listing of specific projects completed in the prior six-month period. Before the approval of a permit for new construction in the four zoning districts in Sections 3007.1.1 to 3007.1.4, the Director of City Planning shall notify the Council Member of the ward where the new construction is located.”.

Approved by the Directors of City Planning Commission; and Law; Committee on Development Planning and Sustainability.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 446-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An ordinance to amend Sections 535.04, 535.05 and 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 178-2021, passed October 25, 2021, relating to water rates, affordability programs, and fees and charges for water service.**

Approved by the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 447-2024**

**By Council Members:** Kazy and Griffin (by departmental request)

**An ordinance to amend Sections 543.02 and 543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1393-2019, passed October 25, 2021, relating to sewerage and service rates, fees and charges.**

Approved by the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Ordinance No. 529-2024**

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

**An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.191; and to amend Sections 343.01, 343.11 and 345.02, as amended by various ordinances, relating to adult use marijuana.**

Approved by the Directors of City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability.; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

# Ordinances and Resolutions

## Second Reading Emergency Resolutions Adopted

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person. Resolutions are used by Council to recognize dignitaries and community members and their accomplishments.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor’s signature or 10 days after adoption.

Typically, legislation cannot be adopted until it has been read on three separate days. However, this requirement is dispensed with a two-thirds vote by the Council, placing the legislation “under suspension.” Once under suspension, the legislation can be adopted after the second reading.

These resolutions were read for the second time on Monday, June 3, 2024, the rules were suspended, and the legislation was adopted by an affirmative two-thirds vote of all members elected to Council.

**Click on a resolution below to read it:**

Res. No. 530-2024

Res. No. 590-2024

Res. No. 591-2024

**Resolution No. 530-2024**

**By Council Members:** Slife

**An emergency resolution urging the Administration's Department of Public Works, Division of Recreation to improve pool policies for the benefit of resident patrons this summer.**

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Resolution No. 590-2024**

**By Council Members:** Griffin (by departmental request)

**An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2025 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.**

Approved by the Directors of Finance; and Law; Committees on Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

**Resolution No. 591-2024**

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

**An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the creation of The University Circle Special Improvement District of Cleveland and the initial plan for public services for the District; and declaring an emergency.**

Approved by the Directors of City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

**Motion by Council Member Santana to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Gray.**

**The rules were suspended. Yeas 17. Nays 0.**

**Read third time in full.**

**Passed. Yeas 17. Nays 0.**

**Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.**

**Voting Nay: None.**

**Absent: None.**

# Official Proceedings
# Adjournment
# City Council

Cleveland, Ohio
Monday, June 3, 2024

The Council Meeting adjourned at 9:37 p.m. to meet at the call of the chair. The next meeting of Council will be on Wednesday, July 10, 2024, immediately following a Committee of the Whole meeting, which begins at 9:00 a.m.

*Patricia J. Britt*
*City Clerk, Clerk of Council*

# Council Committee Meetings

**Tuesday, May 28, 2024**
**9:00 a.m.**

**Development, Planning and Sustainability Committee (CDBG)**
Present: Hairston, Chair; Santana, Vice Chair; Harsh, Howse-Jones, Jones, McCormack, Spencer
*Also Present: Gray, Griffin, Kelly, Maurer, Starr*

**Wednesday, May 29, 2024**
**9:00 a.m.**

**Development, Planning and Sustainability Committee (CDBG)**
Present: Hairston, Chair; Santana, Vice Chair; Harsh, Howse-Jones, Jones, McCormack, Spencer
*Also Present: Gray, Kelly, Starr*

**Thursday, May 30, 2024**
**10:00 a.m.**

**Municipal Services and Properties Committee**
Present: Bishop, Chair; Starr, Vice Chair; Jones, Kazy, Kelly, Maurer
*Authorized Absence: Hairston*

**Friday, May 31, 2024**
**10:00 a.m.**

**Safety Committee**
Present: Polensek, Chair; Gray, Howse-Jones, Kelly, Starr
*Authorized Absence: Jones, Slife*
*Also Present: Griffin*

# Council Committee Meetings

**Monday, June 3, 2024**
**9:00 a.m.**

**Committee of the Whole**
Present: Griffin, Chair; Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr

# Board of Control

### Wednesday, May 29, 2024

The meeting of the Board of Control convened in the Mayor's office on Wednesday, May 29, 2024, at 3:01 p.m. with Acting Director Michele Comer presiding.

| | |
|---|---|
| Members Present: | Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski |
| Absent: | Directors Margolius, McNair |
| Others Present: | Keshia Chambers, Assistant Director<br>Mayor's Office of Capital Projects |
| | Michael Curry, Assistant Director<br>Office of Equal Opportunity |
| | Tiffany White Johnson, Commissioner<br>Purchases & Supplies |
| | Tomasz Kacki, Paralegal<br>Law Department |
| | Mara Schoch, Administrator<br>Aging Services |
| | Kim Roy Wilson, Commissioner<br>Finance - ITS |

On motions, the resolutions attached were adopted, except as may be otherwise noted. There being no further business, the meeting was adjourned at 3:09 p.m.

Jeffrey B. Marks
Secretary – Board of Control

**Resolution No. 263-24** Adopted 5/29/24
By Director Abonamah

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that all bids received on May 9, 2024, for an estimated quantity of 2024-2027 Citywide Miscellaneous Sized Steel, for the various divisions of City government, under the authority of Ordinance No. 196-2024, passed by Cleveland City Council on March 4, 2024, are rejected.

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 264-24** Adopted 5/29/24
By Director Keane

**BE IT RESOLVED** by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Mayes and Sons Plumbing Company under City Contract No. RC2023-086 for an estimated quantity of materials, labor and installation necessary to replace various lead and galvanized service lines - CWD Lead Service Replacement 2022 - Special Cases, for the Division of Water, Department of Public Utilities, is approved:

| **Subcontractor** | **Work** | **Percentage** |
|---|---|---|
| Butts Excavating, LLC (FBE) | TBD | 0.00% |

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 265-24** Adopted 5/29/24
By Director Keane

**REQUIREMENT CONTRACT**

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that the bid of

Kurtz Bros., Inc.

for an estimated quantity of the purchase of hauling and disposal of water treatment plant residuals, bid item 1, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following the expiration of the currently effective contract for the goods or services, received on May 8, 2024, under the authority of Ordinance No. 1253-2023, passed December 4, 2023, which on the basis of the estimated quantity would amount to $549,625.00 (0% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a **REQUIREMENT** contract for the goods and/or services necessary for the specified item.

The **REQUIREMENT** contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 266-24** Adopted 5/29/24
By Director Keane

**REQUIREMENT CONTRACT**

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that the bid of

Emerald Environmental Services, Inc.

for an estimated quantity of hauling and disposal of water treatment plant residuals, bid item 2, all items, for the Division of Water, Department of Public Utilities, for a period of two (2) years starting upon the later of the execution of a contract or the day following the expiration of the currently effective contract for the goods or services, received on May 8, 2024, under the authority of Ordinance No.1253-2023, passed December 4, 2023 which on the basis of the estimated quantity would amount to $497,500.00 (2% Net 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a **REQUIREMENT** contract for the goods and/or services necessary for the specified item.

The **REQUIREMENT** contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 267-24** Adopted 5/29/24
By Director Keane

**PUBLIC IMPROVEMENT CONTRACT**

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that the bid of

Fabrizi Trucking & Paving Co., Inc.

for the public improvement of Brookside Boulevard Area Sewer Project - Phase II (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on April 12, 2024, under the authority of Ordinance No. 768-2022, passed by the Council of the City of Cleveland on October 10, 2022, upon a unit basis for the improvement, in the aggregate amount of $1,184,403.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

**BE IT FURTHER RESOLVED** by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking & Paving Co., Inc. for the above-mentioned public improvements is approved:

| Subcontractor | Work | Percentage |
|---|---|---|
| Fabrizi Recycling, Inc. (CSB/FBE) | $280,000.00 | 23.64% |
| Sydby Enterprises LLC (CSB/MBE/FBE) | $110,000.00 | 09.29% |
| BEP Trucking LLC (Non-certified) | TBD | 00.00% |
| Five Girls Contracting LLC (Non-certified) | TBD | 00.00% |
| AF AB Transfer LLC (Non-certified) | TBD | 00.00% |
| Eastland Trucking Co. (Non-certified) | TBD | 00.00% |

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 268-24** Adopted 5/29/24
By Director Keane

**PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT**

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that the bid of

Perk Company, Inc.

for the public improvement of constructing and repairing catch basins and manholes at various locations citywide, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on April 11, 2024, under the authority of Ordinance No. 408-2023, passed by the Council of the City of Cleveland on May 22, 2023, upon a unit basis for the improvements to be performed as ordered during a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to$ 1,373,218.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a **PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT** for the improvement.

The **PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT** shall further provide that the contractor will perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the **PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT**, whether the same shall be more or less than the total estimate of work to be performed under the contract.

**BE IT FURTHER RESOLVED by the BOARD of CONTROL** that the employment of the following subcontractors by Perk Company, Inc. for the above-mentioned public improvement by requirement contract is approved:

| **Subcontractor** | **Work** | **Percentage** |
|---|---|---|
| Nosan Trucking (CSB/FBE) | $ 126,000.00 (Supplier 60%) | 09.17% |
| Nosan Trucking (CSB/FBE) | $ 61,000.00 | 04.44% |
| Cuyahoga Supply & Tools (CSB/FBE) | $ 31,236.00 (Supplier 60%) | 02.27% |
| Karma Materials & Asphalt (CSB/FBE) | $219,715.00 | 16.00% |

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 269-24** Adopted 5/29/24
By Director DeRosa

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

Feghali Brothers, LLC

for the public improvement of the Fire Station Female Facilities - Phase 3, Base Bid Items A through D and Contingency Allowances 1-4 for the Division of Architecture and Site Development, Office of Capital Projects, received on May 10, 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 $1,098,900.00 is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is requested to enter into contract with the bidder.

**BE IT FURTHER RESOLVED,** by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Feghali Brothers, LLC, is hereby approved:

| Subcontractor | CSB/MBE/FBE | Amount | Percentage |
|---|---|---|---|
| Inca Construction, LLC | MBE | $ 354,000.00 | 32.2% |

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 270-24** Adopted 5/29/24
By Director DeRosa

**BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND,** that the bid of Terrace Construction Company, Inc. for the public improvement by requirement contract for the 2024 Tree Damaged Sidewalk Repair, base bid, all items, for the Office of Capital Projects, Division of Engineering and Construction, received on May 2, 2024, under the authority of Ordinance No. 1025-2023, passed by Cleveland City Council on October 23, 2023, upon a unit price basis for the improvements to be performed as ordered during the period of two (2) years starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to $1,521,500.80, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into a public improvement by requirement contract for the improvement.

**BE IT FURTHER RESOLVED** that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement is approved:

Filling Development, LLC .................... (CSB/LPE) ..................... $200,000.00 (13.1%)

The Lakewood Supply Co. ................... (CSB/60% Supplier) ...... $15,000.00 (1.0%)

Rockport Ready Mix, Inc ............... (CSB/FBE/LPE) ................. $250,000.00 (16.4%)

D. Crawford Trucking, LLC ........................................................... $0.00 (0.0%)

Vancuren Tree Service, Inc ........................................................... $200,000.00 (13.1 %)

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 271-24** Adopted 5/29/24
By Director Williams

**WHEREAS**, by Resolution No. 250-12, adopted on June 6, 2012, under the authority of Section 131.15(f) of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control established the rental rates for the Cleveland Public Auditorium, its various rooms, halls, and portions thereof; and

**WHEREAS**, the Greater Cleveland Sports Commission wishes to use the Public Hall, Music Hall, the Grand Reception Hall and meeting rooms in the Cleveland Public Auditorium July 10, 2024-July 17, 2024, for the 2024 Pan-American Masters Games - Table Tennis event; and

**WHEREAS**, the City is willing to allow the Greater Cleveland Spo1ts Commission to use the Public Hall, Music Hall, the Grand Reception Hall and meeting rooms in the Cleveland Public Auditorium July 10, 2024 -July 17, 2024 without charge for rental; now, therefore,

**BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND,** that notwithstanding and as an exception to the Public Auditorium rental rates established by Board of Control Resolution No. 250-12, adopted on June 6, 2012, the Greater Cleveland Sp01ts Commission may use the Public Hall, Music Hall, the Grand Reception Hall and meeting rooms of the Cleveland Public Auditorium July 10, 2024 - July 17, 2024 without a rental charge, for the 2024 Pan-American Masters Games -Table Tennis event.

**BE IT FURTHER RESOLVED,** that the City shall charge the Greater Cleveland Spo1ts Commission the actual costs, at the prevailing rates, of any labor, materials and equipment supplied for the event.

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 272-24** Adopted 5/29/24
By Director Hernandez

**WHEREAS**, Board of Control Resolution No. 84-23 adopted March 1, 2023, authorized the sale and development of Permanent Parcel No. 016-23-165 to Wilfredo Caraballo Jr. 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**, the address for Permanent Parcel No. 016-23-165 in Resolution No. 84-23 should have read 3479 West 47th Street; now, therefore,

**BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND** that Resolution No. 84-23, adopted by this Board March 1, 2023, authorizing the sale and development of Permanent Parcel No. 016-23-165 to Wilfredo Caraballo Jr., yard expansion, is amended by substituting "3479 West 47th Street" where "3477 West 47th Street" appears in the resolution.

**BE IT FURTHER RESOLVED** that all other provisions of Resolution No. 84-23 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

**Resolution No. 273-24** Adopted 5/29/24
By Director Keane

**WHEREAS**, Board of Control Resolution No. 179·24, adopted April 17, 2024, authorized the Director of Finance to enter into a first modification to City Contract No. CT-1511· PS2023*0146 with Verint Americas, Inc. ("Agreement") for additional technical configuration and production support services in the amount of $33,400.00; and

**WHEREAS**, Resolution No. 179·24 incorrectly stated the not to exceed total contract amount after accounting for said additional services, which services are to be provided during the first year of the Agreement; now, therefore,

**BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND** that Resolution No. 179·24, adopted by this Board on April 17, 2024, authorizing the Director of Finance to enter into a first modification to City Contract No. CT 1511 PS2023*0146 with Verint Americas, Inc. for additional technical configuration and production support services in the amount of $33,400.00, is amended by deleting "for a total implementation cost of $276,221.23" on the 3rd line of the 2nd WHEREAS clause, and substituting "the total cost to not to exceed $379,209.23 for the initial one-year term of the Agreement" for "the total implementation cost under the Agreement not to exceed $276,221.23" on lines 5 and 6 of the BE IT RESOLVED clause.

**BE IT FUTHER RESOLVED** that all other provisions of Resolution No. 179·24 not expressly amended as stated above shall remain unchanged and in full force and effect.

Yeas: Mayor Bibb, Acting Director Comer, Directors Abonamah, Keane, Francis, Acting Director Laird, Interim Director Drummond, Acting Director Wackers, Directors Cole, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Margolius, McNair

# Board of Control

## Wednesday, June 5, 2024

The meeting of the Board of Control convened in the Mayor's office on Wednesday, June 5, 2024, at 3:01 p.m. with Mayor Justin Bibb presiding.

| | |
|---|---|
| Members Present: | Mayor Bibb, Acting Director Comer, Directors Keane, Francis, Acting Director Laird, Interiin Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski |
| Absent: | Directors Abonamah, Margolius |
| Others Present: | Tyson Mitchell, Director<br>Office of Equal Opportunity |
| | Tiffany White Johnson, Commissioner<br>Purchases & Supplies |
| | Tomasz Kacki, Paralegal<br>Law Department |
| | Dennis Kramer, Chief of Planning & Engineering<br>Port Control |
| | Trisha Simon Webster, Benefits, Wellness & Employee Engagement Manager<br>Human Recourses |

On motions, the resolutions attached were adopted, except as may be otherwise noted. There being no further business, the meeting was adjourned at 3:04 p.m.

Jeffrey B. Marks
Secretary – Board of Control

**Resolution No. 274-24** Adopted 6/5/24
By Director Keane

**REQUIREMENT CONTRACT**

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that all bids received on May 9, 2024, for an estimated quantity of HV AC Filters and Belts, all items, for the various divisions of the Department of Public Utilities under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Mayor Bibb, Acting Director Comer, Directors Keane, Francis, Acting Director Laird, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Abonamah, Margolius

**Resolution No. 275-24** Adopted 6/5/24
By Director Keane

**REQUIREMENT CONTRACT**

**BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND** that the bid of

J. W. Didado Electric, LLC

except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of Labor and Materials Necessary to Maintain, Repair and Replace Substation Equipment, including but not limited to Switchgear, Circuit Breakers, Batteries and Fiber Optic Splicing , all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on March 21, 2024, under the authority of Ordinance No. 436-2023, passed May 15, 2023, on the basis of the estimated quantity would amount to $6,193,034.32, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a **REQUIREMENT** contract for the goods and/or services necessary for the specified item.

The **REQUIREMENT** contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

**BE IT FURTHER RESOLVED by the BOARD OF CONTROL** that the employment of the following subcontractors by J. W. Didado Electric, LLC, for the above-mentioned requirement contract is approved:

| **Subcontractors** | **Amount** | **Percentage** |
|---|---|---|
| Dashiell Corporation (Non-certified) | TBD | 0.00% |
| Sentinel (Non-certified) | TBD | 0.00% |
| Electric Power Systems Int'l (Non-certified) | TBD | 0.00% |
| Key Cable & Supply | TBD | 0.00% |
| Marous Brothers Construction | TBD | 0.00% |
| PEPCO | TBD | 0.00% |

Yeas: Mayor Bibb, Acting Director Comer, Directors Keane, Francis, Acting

Director Laird, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Abonamah, Margolius

**Resolution No. 276-24** Adopted 6/5/24
By Director Keane

**BE IT RESOLVED** by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Kokosing Industrial Inc. under City Contract No. PI2022-052 for the public improvement of Baldwin Sedimentation Basin Rehabilitation, for the Division of Water, Department of Public Utilities, is approved:

| Subcontractors | Amount | Percentage |
|---|---|---|
| Western Reserve Mechanical, Inc. (non-certified) | $17,950.00 | 0.00% |

Yeas: Mayor Bibb, Acting Director Comer, Directors Keane, Francis, Acting Director Laird, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Abonamah, Margolius

**Resolution No. 277-24** Adopted 6/5/24
By Director Francis

**BE IT RESOLVED** by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Ozanne Construction Company, Inc. under City Contract No. PI2023*043 for the public improvement of the Airport Restroom Refresh project at Cleveland Hopkins International Airport, for the Department of Port Control, authorized by Ordinance No. 646-23, passed by the Council of the City of Cleveland on June 5, 2023, and Board of Control Resolution No. 431-23, adopted September 6, 2023, is approved.

| Subcontractors | Percentage | Amount |
|---|---|---|
| Floorstiles | Non DBE | $605,150.00 |
| Commerce Plumbing | Non DBE | $324,630.00 |

Yeas: Mayor Bibb, Acting Director Comer, Directors Keane, Francis, Acting Director Laird, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Abonamah, Margolius

**Resolution No. 278-24** Adopted 6/5/24
By Director Cole

**BE IT RESOLVED** by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 878-2023 passed by the Council of the City of Cleveland on September 18, 2023, The James B. Oswald Company has been selected from a list of firms determined after a full and complete canvass by the Director of Human Resources, as the firm to be employed by contract to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management, for a period of one year with two one-year options to renew, exercisable by the Director of Human Resources.

**BE IT FURTHER RESOLVED** that the Director of Human Resources is authorized to enter into contract with The James B. Oswald Company based on its proposal dated November 1, 2023, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for aggregate fee of $149,000 for the initial one year term, $160,920 for the first one-year optional renewal term, and $173,794 for the second one-year optional renewal term, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

**BE IT FURTHER RESOLVED** that the Board of Control resolution 166-24, adopted 3/7/2024 authorizing the Director of Human Resources to enter into contract with Taylor Oswald, LLC to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management, for a period of one year with two one-year renewal options, is rescinded.

Yeas: Mayor Bibb, Acting Director Comer, Directors Keane, Francis, Acting Director Laird, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Acting Director Majeski

Nays: None

Absent: Directors Abonamah, Margolius

# Schedule of the Board of Zoning Appeals

**Monday, June 17, 2024**
**9:30 a.m.**

**Under the conditions specified by law, the Board of Zoning Appeals will be conducting a hybrid in-person and virtual hearing using the WebEx Platform. IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY THROUGH WEBEX, contact the Board of Zoning Appeals office and request the link at 216-664-2580 by noon on June 14, 2024. You can also email us boardofzoningappeals@clevelandohio.gov.**

**The in-person hearing will be held in Room 514 in City Hall. Bring proper ID to enter the building.**

**Those individuals not planning to attend are encouraged to view one of the live streams:**

http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals

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

**Calendar No. 24-080: 1509 East 123rd Street**
**Ward 9 – Kevin Conwell**
MUAV LLC, owner, proposes to split a 7,100 square foot lot into two lots that will not comply with current zoning regulations; the address is located in a D1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Division (a) of Section 355.04, which states that the minimum lot width for a single-family dwelling in a "D" area district is 40 feet, and a 35-foot wide lot is proposed.

2. Division (a) of Section 355.04, which states a minimum lot area of 4,800 square feet is required for a single-family dwelling; a lot area of approximately 3,200 square feet is proposed.

3. Division (b) of Section 357.09, which states there shall be a minimum side yard of three feet between the dwelling and the property line.

4. Section 349.04, which states that 1 parking space is required, and no parking is provided. Note: City Planning approval required.

**Calendar No. 24-081: 2325 Elm Street**
**Ward 3 – Kerry McCormack**
Nautica Entertainment LLC., owner, proposes to establish use as a "performance place"

in a K5 Limited Retail Business District.  The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.03, which states that the minimum required area of an individual parking stall/space is 153 square feet, and the appellant is proposing 144 square feet.

2. Division (e) of Section 349.04, which states that 314 parking spaces are required, and 277 spaces are proposed.

3. Section 341.02, which states that City Planning Commission approval is required.

**Calendar No. 24-082: 12114 Lenacrave Avenue**
**Ward 2 – Kevin Bishop**
Robbie Cayson, owner, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571, which states that a "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one or two unrelated persons with mental illness; (b) one or two unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three to 16 unrelated adults.

2. Division (h) of Section 355.03, which states that a residential facility, as defined above, for one to five unrelated persons, is not permitted if located less than 1,000 feet from another residential facility. The proposed Residential Facility is within 1,000 feet from another Residential Facility located at 12506 Watterson Avenue, PPN1380309 (Clarice Carter).

**Calendar No. 24-083: Appeal of Assessments and Licenses**
**Tow Truck Driver License Denial in RLUOU24-00043.**
Edgar Santiago appeals under the authority of division (b) of Section 76-6 of the Charter of the City of Cleveland and division (d) of Section 329.02 from the decision of the Commissioner of Assessments and Licenses to deny Tow Truck Driver application **RLUOU24-00043**.

**Calendar No. 24-084: 2111 West 33rd Place**
**Ward 3 – Kerry McCormack**
Michael Madonia, owner, proposes to build a 3-story 2,177 square foot single family residence with attached garage on a 1,600 square foot lot located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Division (b) of Section 355.04, which states that the maximum gross floor

area in a “B” Area District for a main building is half the lot area or in this case 800 square feet, and 2,177 square feet are proposed.

2. Division (b) of Section 355.04, which states that the minimum lot width for a single-family dwelling in “B” area district is 40 feet; a 32-foot-wide lot is proposed.

3. Division (b) of Section 355.04, which states a minimum lot area of 4,800 required is required for a single-family dwelling.

4. Division (b) of Section 353.01, which states that the maximum height limit is 35 feet; the proposed height is 40 feet and 6 inches.

5. Division (b)(1) of Section 357.08, which states that the depth of the required rear yard shall in no case be less than 20 feet or be less than the height of the main building (40 feet, 6 inches).

6. Division (b) of Section 341.02 City Planning approval is required prior to the issuance of a building permit.

**Calendar No. 24-085: 1721 Denison Avenue**
**Ward 12 – Rebecca Maurer**

David Johnston, owner, proposes to erect a 6-foot-tall wood fence and gate in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of division (a)(2) of Section 358.05, which states that fences in the actual front yard and in actual side street yards shall not exceed four feet in height and shall be at least 50% open above 2 feet in height.

**Reinstated from March 4, 2024**

**Calendar No. 24-021: 6107 St. Clair Avenue**
**Ward 10 – Anthony Hairston**
Edward Turk, owner, and Joseph Wente, lessee propose to establish tattooing use in a C1 Local Retail Business District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01, which states that a tattoo shop is not permitted in a Local Retail Business District.

2. Section 343.11, which states that a tattoo shop is first permitted in a General Retail Business District, subject to the distance requirements of division (b) of Section 347.12.

3. Division (b) of Section 347.12, which states that tattooing use, when permitted in particular zoning district, must also be 1,000 feet from residential districts and day care centers. Proposed use is abutting a residential district, and is within

1,000 feet of St. Martin De Porres High School at 6202 St. Clair Avenue, St. Vitus Church at 6019 Lausche Avenue and Cleveland Kovacic Recreation Center at 6250 St. Clair Ave.

*THIS CASE WAS ORIGINALLY SCHEDULED FOR MARCH 4 HOWEVER DUE TO A MISCOMMUNICATION THE APPELLANT WITHDREW HIS APPEAL.*

**Postponed from June 3, 2024**

**Calendar No. BZA24-068: Appeal of Charles Williams from the decision of the Commissioner of Assessments and Licenses regarding denial of Tow Truck Application LUOU24-00071**
Charles Williams appeals under the authority of division (b) of Section 76-6 of the Charter of the City of Cleveland and division (d) of Section 329.02 from the decision of the Commissioner of Assessments and Licenses to deny Tow Truck Driver application LUOU24-00071.

*THIS CASE WAS POSTPONED FROM JUNE 3 DUE TO A SCHEDULING CONFLICT WITH CITY STAFF. NO TESTIMONY TAKEN.*

# Report of the Board of Zoning Appeals

**Monday, June 3, 2024**

At the meeting of the Board of Zoning Appeals on Monday, June 3, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

**Calendar No. 24-067: 2115-2221 East 90 Street and 2212-2222 East 93 Street(to be consolidated)**
Nurse Housing LLC. and prospective purchaser Circle Properties propose to erect three new three-story multi-unit buildings, with twelve units in each building (36 total units) in a Two-Family Residential District and Multi-Family Residential District.

**Calendar No. 24-069: 7202 Hague Road (Conditionally)**
Travis Tomlinson, owner, proposes to establish use as Motor Vehicle Service Garage in a C1 General Retail Business District.

**Calendar No. 24-070: 7413 Lockyear Avenue (Conditionally)**
Gladys Vargas, owner, proposes to install six banners in a B1 Two-Family Residential District.

**Calendar No. 24-071: 4505 Broadview Road**
Refuge Community Church, owner, proposes to establish a church and daycare in a C1 Local Retail Business District.

**Calendar No. 24-072: 18332 and 18338 Ferncliffe Avenue (Conditionally)**
Cleveland Muslim Community Center, owner, proposes to construct a parking lot in a Two-Family Residential District.

**Calendar No. 24-073: 18319 and 18325 Fairville Avenue (Conditionally)**
Cleveland Muslim Community Center, owner, proposes to construct parking lot in Two-Family zoning District.

**Calendar No. 24-074: 12400 Crossburn Avenue**
Euerle Group, LLC, proposes to establish use of an existing warehouse to an indoor and outdoor pickleball facility in a B1 Semi-Industry District and General Industry District.

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

The following appeals were **WITHDRAWN:** **None**

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

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

The following cases were **POSTPONED:**

**Calendar No. 24-068: Appeal of Charles Williams from the decision of the**
**Commissioner of Assessments and Licenses regarding denial of Tow Truck Application LUOU24-00071**
June 17, 2024.

**The following cases were heard by the Board of Zoning Appeals on Monday May 20, 2024, and Monday, May 6, 2023, and the decisions were adopted and approved on Monday, June 3, 2024:**

**Calendar No. 24-024: 10022 Madison Avenue**
Shaker Madison LLC, owner, proposes to construct a new gas station in a C2 Local Retail Business District and a Pedestrian Retail Overlay District (PRO) Zoning District.

**Calendar No. 24-061: 1596 East 82nd Street**
Stephanie Sanders, owners, proposes to establish use as Type “A” Home Daycare in a residence located in a D2 Multi-Family Residential District.

**Calendar No. 24-062: 3221 West 25th Street**
The Egg Carton LLC, owner, proposes to change of use from commercial building to a two-story, masonry, single-family residence in a C2 Local Retail Business District and a Pedestrian Retail Overlay District.

**Calendar No. 24-064: 2805 Seymour Avenue (Conditionally)**
Gladys Vargas, owner, proposes to install six banners in a B1 Two-Family Residential District.

**Calendar No. 24-065: 2325 Kinkel Avenue**
Rosemary DeJesus, owner, proposes to establish use as Limited Lodging (Airbnb) for more than 91 days per calendar year in a C1 Multi-Family Residential District.

# 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, 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/