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Official Proceedings
City Council

Cleveland, Ohio
Monday, May 19, 2025

The meeting of the Council was called to order at 7:05 p.m. with the President of Council Pro Tempore, Jasmin Santana, in the Chair.

Council Members present: Kevin L. Bishop, Kevin Conwell, Deborah A. Gray, Anthony T. Hairston, Kris Harsh, Joseph T. Jones, Danny Kelly, Rebecca Maurer, Michael D. Polensek, Jasmin Santana, Charles Slife, Jenny Spencer.

Also present were: Chiefs Barrett, Davy, Epstein, Griffin, Johnson, Pomerantz, Pryor-Jones, Teeuwen, Wernet; Directors Cole, Crowe, DeRosa, Drummond, Keane, Margolius, Martin O'Toole, Mersmann, Nichols, O'Keeffe, Shute-Woodson, Williams.

MOTION

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 Bishop, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Slife.

Communications

File No. 655-2025
Oath of Office for Kimberly Roy-Wilson, Assistant Director of Office of Innovation Technology and Services, City of Cleveland. Received.

File No. 656-2025
From Council President Blaine A. Griffin. Designating, without objection by Council, Allan Dreyer to serve as Clerk of Council Pro Tempore for matters requiring the Clerk's signature on May 16-23, 2025, and for the Council meeting on May 19, 2025. Received.

From Ohio Division of Liquor Control

File No. 654-2025
#2372483. Transfer of Ownership Application, C1 C2. Dreamdeli LLC, 5815 Storer Avenue (Ward 14). Received.

File No. 681-2025
#6622440. Transfer of Ownership Application, C1 C2. P & S 8035 Superior, Inc., 8035 Superior Avenue (Ward 7). Received.

File No. 682-2025
#4175417. Transfer of Ownership Application, C1. Jai Maharaj 5417 of Cleveland LLC, 5417 Chester Avenue (Ward 7). Received.

File No. 697-2025
Temporary Permit. Downtown Cleveland Alliance, 100 West Superior Avenue (Ward 3). 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:

Gray	Res. No. 683-2025	Herbert Shurn
Hairston	Res. No. 684-2025	Mildred Louise Lundy
Griffin	Res. No. 685-2025	Gregory L. Bethune
All Members of Council	Res. No. 686-2025	Fire Cadet Symeon Williams
Slife	Res. No. 698-2025	Thomas Barton Overall
Polensek	Res. No. 699-2025	Constance L. “Connie” Barresi
Maurer	Res. No. 700-2025	Barbara Bradford-Williams

Resolutions of Congratulations

The rules were suspended, and the following Resolutions were adopted by a rising vote:

Slife	Res. No. 687-2025	Father Remus Grama
All Members of Council	Res. No. 688-2025	Discriminatory Salary Practices
Griffin & McCormack	Res. No. 689-2025	Jasleen “Jazzy” Delgado

Resolutions of Recognition

The rules were suspended, and the following Resolutions were adopted by a rising vote:

Conwell	Res. No. 690-2025	Louise Luke

Howse-Jones	Res. No. 691-2025	Annual Cleveland Asian Festival
Howse-Jones, Conwell & Hairston	Res. No. 692-2025	Erica Burnett
Jones	Res. No. 693-2025	Cuyahoga County Domestic Relations Court Sesquicentennial Time Capsule Ceremony
Jones	Res. No. 694-2025	Black Lives Matter
Jones	Res. No. 695-2025	Citizens for a Safer Cleveland

Resolution of Welcome

The rules were suspended, and the following Resolution was adopted by a rising vote:

Griffin	Res. No. 696-2025	Dr. Khalid Ahmed Obeid

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, May 19, 2025, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

Ord. No. 657-2025

Ord. No. 658-2025

Ord. No. 659-2025

Ord. No. 664-2025

Ord. No. 665-2025

Ord. No. 666-2025

Ord. No. 667-2025

Ord. No. 671-2025

Ord. No. 672-2025

Ord. No. 673-2025

Ord. No. 674-2025

Ord. No. 675-2025

Ord. No. 676-2025

Ord. No. 677-2025

Ord. No. 678-2025

Ord. No. 679-2025

Ordinance No. 657-2025

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 CT3001-LS2024-0010 with Jets Postal Road LLC, to expand the leasehold territory at and near 6045 Postal Road.

WHEREAS, under Ordinance No. 444-2023, passed May 8, 2023, the Director of Port Control entered into lease agreement CT3001-LS2024-0010 (the "Lease") with Marichaels LTD dba Jets FBO, aka Jets Postal Road LLC ("Jets"), for the use of approximately 2.88 acres of space to design, construct, and operate a corporate hangar and flight operation facility; and

WHEREAS, Jets was presented with a new aircraft charter handling opportunity, which requires the development of new space; and

WHEREAS, an amendment to the Lease is necessary; 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 enter into an amendment to the Lease to add approximately 157,358 square feet at and near 6045 Postal Road, for the development of a parking lot and airfield ramp space to support the expanded facilities.

Section 2. That all other terms and conditions of the Lease shall remain the same.

Section 3. That the amendment 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 the Directors of Port Control; City Planning Commission; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 658-2025

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

An emergency ordinance authorizing the Director of Parks and Recreation to apply for and accept a grant from the Ohio Department of Education for the 2025 Summer Food Service Program at Camp George Forbes; authorizing the purchase by requirement contract of breakfasts and lunches and of food, food products, beverages, condiments and paper products to implement the grant, for the Department of Parks and Recreation; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

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

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

Section 1. That the Director of Parks and Recreation is authorized to apply for and accept a grant in the approximate amount of $75,000.00, from the Ohio Department of Education, to conduct the 2025 Summer Food Service Program for the purposes described in the summary referenced in Section 2; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, **File No. 658-2025-A**, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That under division (b) of Section 108 of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Parks and Recreation may sign all

documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

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

Referred to the Directors of Parks and Recreation; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 659-2025

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

An emergency ordinance authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies and accessories, equipment, and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the Department of Public Works.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written standard purchase 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 required for the purchase, lease, or lease with option to purchase, of various types of on-road vehicles, apparatus, and off-road equipment, cabs, bodies and accessories, equipment, and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of $10,330,715, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities, as described below:

2025 Enterprise Capital Vehicle Plan

Item Number	Item Description	Division	Quantity	Estimated Cost	Extended Estimated Cost
1	SUV full size	CWD	2	$46,000	$92,000
2	SUV	CWD	2	$44,500	$89,000
3	Cargo Van T150	CWD	3	$58,000	$174,000
4	Cargo Van T250	CWD	6	$64,000	$384,000
5	Pickup Truck F150	CWD	3	$62,333	$187,000
6	Pickup Truck F250	CWD	6	$69,166	$415,000
7	Pickup Truck F250 w/ liftgate	CWD	1	$75,000	$75,000
8	Pickup Truck w/ plow	CWD	4	$80,000	$320,000

9	Police Responder F150	CWD	4	$82,000	$328,000
10	Medium USV	CWD	2	$176,000	$352,000
11	Medium Dump	CWD	2	$110,000	$220,000
12	Pipe Repair Truck Type A	CWD	3	$285,000	$855,000
13	Pipe Repair Truck Type B	CWD	1	$310,500	$310,500
14	Tandem Axle Dump	CWD	3	$310,500	$931,500
15	ATV w/ plow	CWD	1	$36,500	$36,500
16	Generator	CWD	1	$45,000	$45,000
17	Mower	CWD	1	$38,000	$38,000
			CWD TOTAL		**$4,852,500**
18	SUV AWD Explorer	WPC	4	$65,000	$260,000
19	Pickup Truck F450	WPC	1	$131,000	$131,000
20	Heavy Duty Truck - Bricklayer	WPC	1	$110,500	$110,500
21	Crew Dump Truck	WPC	2	$245,000	$490,000
22	Tandem Axle Dump Truck	WPC	1	$325,000	$325,000
23	TV Truck	WPC	1	$360,000	$360,000
24	Sewer Cleaning Equipment (Vacs)	WPC	3	$643,905	$1,931,715
25	Backhoe w/ Trailer	WPC	1	$370,000	$370,000
			WPC TOTAL		**$3,978,215**
26	Support Vehicles	CPP	3	$45,000	$135,000
27	Cargo Van T150	CPP	5	$65,000	$325,000
28	Stake Body Truck	CPP	1	$90,000	$90,000
29	60’ Bucket Truck	CPP	1	$350,000	$350,000
30	Cable Pulling Cart	CPP	2	$300,000	$600,000
			CPP TOTAL		**$1,500,000**
			GRAND TOTAL	**$10,330,715**	

Description of Equipment

Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the Director of Public Utilities is authorized to apply for and accept funding from the Northeast Ohio Regional Sewer District ("NEORSD") for Community Cost Share Program funding to pay for the costs of the Water Pollution Control vehicles eligible under the program for reimbursement; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that funds are appropriated for the purposes described in this ordinance.

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

Section 4. That the costs of the standard and requirement contract or contracts shall be paid from Community Cost Share Program funding and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQS 7015, RLA 2025-18)

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 the Directors of Parks and Recreation; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 664-2025

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more agreements with United Way of Greater Cleveland, as the lead partner organization, to implement a program to provide access to legal services for covered individuals in eviction proceedings under Section 375.12 of the Codified Ordinances of Cleveland, Ohio, 1976, Legal Representation in Housing Court.

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 one or more agreements with United Way of Greater Cleveland, as the lead partner organization, to implement a program to provide access to legal services for covered individuals in eviction proceedings under Cleveland Codified Ordinance Section 375.12, Legal Representation in Housing Court.

Section 2. That the agreement or agreements shall be prepared by the Director of Law.

Section 3. That the cost of the agreement or agreements shall not exceed $500,000, and shall be paid from Fund No. 01-8006-6320. (RQS 8006, RL 2025-52)

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

Ordinance No. 665-2025

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

An emergency ordinance to amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1143-2024, passed October 28, 2024, relating to food shop licenses fees and categories and fees.

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

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

Section 1. That Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1143-2024, passed October 28, 2024, is amended to read as follows:

241.05 *Food Shop Licenses and Fees*

(a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license. All fees and charges assessed under this section shall be paid to the Commissioner of Assessments and Licenses.

(b) The provisions of RC Chapters 3715 and 3717 pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority are adopted and incorporated herein by the City of Cleveland.

(c) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility, by the same person or entity; then the determination of what license applies shall be made according to the primary business of the person or entity, as determined by the licensor, the City of Cleveland Director of Public Health, as described in RC 3717.44.

(d) Each application to the Commissioner of Assessments and Licenses for a mobile food service operation license required under RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

~~**2024**~~	
~~**Risk Level**~~	~~**Fee**~~
~~FSO Mobile~~	~~$360.00~~
~~RFE Mobile (High Risk)~~	~~$360.00~~

~~RFE Mobile (Low Risk)~~	~~$180.00~~

2025	
Risk Level	**Fee**
FSO Mobile	$376.00
RFE Mobile (High Risk)	$376.00
RFE Mobile (Low Risk)	$188.00

2026	
Risk Level	**Fee**
FSO Mobile	$400.00
RFE Mobile (High Risk)	$400.00
RFE Mobile (Low Risk)	$200.00

(e) Each application to the Commissioner of Assessments and Licenses for a vending food service operation license required under RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

~~2024~~	
~~Risk Level~~	~~Fee~~
~~Vending~~	~~$17.40~~

2025	
Risk Level	**Fee**
Vending	$17.80

2026	
Risk Level	**Fee**
Vending	$18.30

(f) Each application to the Commissioner of Assessments and Licenses for a temporary commercial food service operation and temporary non-commercial food service operation license required under RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

~~2024~~

~~Risk Level~~	~~Fee~~
~~5-day temporary~~	~~$110.00~~
~~5-day temporary (non-commercial)~~	~~$55.00~~

2025	
Risk Level	**Fee**
5-day temporary	$120.00
5-day temporary (non-commercial)	$60.00

2026	
Risk Level	**Fee**
5-day temporary	$130.00
5-day temporary (non-commercial)	$65.00

(g) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop, in an amount equal to the cost of such collection and examination, as determined by the Director of Public Health.

(h) Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Department of Public Health:

~~2024 Plan Review Fee~~	~~Commercial~~	~~Non-Commercial~~
~~New Operations~~	~~$500.00~~	~~$250.00~~
~~Extensive Alteration~~	~~$250.00~~	~~$125.00~~

2025 Plan Review Fee	Commercial	Non-Commercial
New Operations	$500.00	$250.00
Extensive Alteration	$250.00	$125.00

2026 Plan Review Fee	Commercial	Non-Commercial

New Operations	$500.00	$250.00
Extensive Alteration	$250.00	$125.00

(i) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the Director of Public Health for approval or disapproval of the application.

(j) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under RC 3717.25 and 3717.45.

(k) For purposes of this section, non-commercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in RC 5739.02(B)(12), provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(l) For a food service operation, a penalty of twenty-five percent (25%) of any license fee required by this section must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

241.35 *Categories and Fees*

(a) Each application to the Commissioner of Assessments and Licenses for a food service operation license required under RC 3717.43, or for a retail food establishment license required under RC 3717.23, shall be accompanied by a combined license and inspection fee as follows:

(1) Commercial food service operations and retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

~~**2024**~~	
~~**Risk Level**~~	~~**Fee**~~
~~Level I~~	~~$230.00~~
~~Level II~~	~~$256.00~~
~~Level III~~	~~$476.00~~
~~Level IV~~	~~$598.00~~

2025	
Risk Level	**Fee**
Level I	$216.00

Level II	$240.00
Level III	$434.00
Level IV	$544.00

2026	
Risk Level	**Fee**
Level I	$224.00
Level II	$246.00
Level III	$440.00
Level IV	$548.00

(2) Commercial food service operations and retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

~~**2024**~~	
~~**Risk Level**~~	~~**Fee**~~
~~Level I~~	~~$324.00~~
~~Level II~~	~~$340.00~~
~~Level III~~	~~$1,164.00~~
~~Level IV~~	~~$1,234.00~~

2025	
Risk Level	**Fee**
Level I	$300.00
Level II	$314.00
Level III	$1,048.00
Level IV	$1,110.00

2026	
Risk Level	**Fee**
Level I	$306.00
Level II	$322.00
Level III	$1,048.00
Level IV	$1,110.00

(3) Non-commercial food service operations and non-commercial retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

~~2024~~	
~~Risk Level~~	~~Fee~~
~~Level I~~	~~$115.00~~
~~Level II~~	~~$128.00~~
~~Level III~~	~~$238.00~~
~~Level IV~~	~~$299.00~~

2025	
Risk Level	**Fee**
Level I	$108.00
Level II	$120.00
Level III	$217.00
Level IV	$272.00

2026	
Risk Level	Fee
Level I	$112.00
Level II	$123.00
Level III	$220.00
Level IV	$274.00

(4) Non-commercial food service operations and non-commercial retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

~~2024~~	
~~Risk Level~~	~~Fee~~
~~Level I~~	~~$162.00~~
~~Level II~~	~~$170.00~~
~~Level III~~	~~$582.00~~
~~Level IV~~	~~$617.00~~

2025	
Risk Level	**Fee**

Level I	$150.00
Level II	$157.00
Level III	$524.00
Level IV	$555.00

2026	
Risk Level	**Fee**
Level I	$153.00
Level II	$161.00
Level III	$524.00
Level IV	$555.00

(b) The risk level categories described herein shall have the meaning established in any rules promulgated under RC Chapters 3715 and 3717.

Section 2. That the existing Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1143-2024, passed October 28, 2024, 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.

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

Ordinance No. 666-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the Director of Finance to apply for and participate in the Ohio Department of Medicaid Supplemental Payment Program, pursuant to Section 5164.96 of the Revised Code and Rule 5160-15-30 of the Ohio Administrative Code, during the state budget biennium beginning on July 1, 2025, and ending on June 30, 2027; and to amend Contract No. CT-1503-PS2024*0386 with Quick Med Claims, LLC, to provide the professional services necessary to support the City's application and implement the City's supplemental reimbursement program.

WHEREAS, that Section 5164.96 of the Revised Code establishes a supplemental payment program through the Ohio Department of Medicaid ("ODM") to provide supplemental Medicaid payments to eligible ground emergency medical transportation service providers; and

WHEREAS, Rule 5160-15-30 of the Ohio Administrative Code sets forth the process for eligible government-operated emergency medical service providers for requesting participation in the supplemental payment program with ODM, which includes the submission of the following: proof of voluntary participation election; an agreement with ODM setting forth the responsibilities of the parties; and the data necessary for ODM to establish payment ceilings and supplemental pay gaps; and

WHEREAS, the City's participation in the supplemental program is anticipated to provide substantial financial benefit to the City by bridging the gap between operational costs and actual Medicaid payments received for ambulance transports, and will support the sustainability of emergency medical transports provided by the City; and

WHEREAS, the City, through its Director of Finance, entered into Contract No. CT-1503-PS2024*0386 (the "Contract") with Quick Med Claims, LLC ("Contractor"), to provide emergency medical transportation billing and reimbursement services, and the Director wishes to amend the scope of the Contract to include the professional services necessary to support the City's application for participation in the supplemental payment program, and implement the City's supplemental reimbursement program if its application is successful, in addition to billing and reimbursement services;

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 execute and submit all necessary applications and documentation on behalf of the City, including an agreement with the Ohio Department of Medicaid setting forth responsibilities of the parties, to

participate in the Ohio Medicaid Supplemental Payment Program as established by Section 5164.96 of the Revised Code and implemented by Rule 5160-15-30 of the Ohio Administrative Code, during the state budget biennium beginning on July 1, 2025, and ending on June 30, 2027 (the "Program").

Section 2. That the Director of Finance is further authorized to amend the Contract to provide the professional services necessary to support the City's application for participation in the Program and implement the City's supplemental reimbursement program if its application is successful, at a cost agreeable to the Director and calculated in terms of percentages of revenue collected during each year of participation in the Program.

Section 3. That the amendment to the Contract shall be prepared by the Director of Law and shall contain any terms and conditions as required to protect the interests of the City.

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 the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 667-2025

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

An emergency ordinance authorizing the Directors of Parks and Recreation, Public Works, Community Development, and Public Safety to execute various deeds of easement and various temporary deeds of easement, granting to the Northeast Ohio Regional Sewer District certain easement rights in property located within various City-owned properties, and declaring the easement rights not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") is constructing its Kingsbury Run Consolidation Sewer Project as part of NEORSD's "Project Clean Lake" with a goal to reduce pollution in Lake Erie; and

WHEREAS, NEORSD's Kingsbury Run Consolidation Sewer Project is to reduce the combined sewer overflows released into the Cuyahoga River, and in order to have access to the project area for construction and future maintenance, NEORSD is seeking easement rights for the construction of the project;

WHEREAS, NEORSD has requested the City through its Directors of Parks and Recreation, Public Works, Community Development, and Public Safety, to convey certain easement rights and temporary easement rights in property located within various City-owned properties (both surface and subterranean easements), and known as Permanent Parcel Nos. 125-13-006, 125-13-003, 125-13-002, 125-12-151, 125-16-001, 125-17-014, 125-17-015, 126-38-016, and 128-30-001; 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 easement interests in the following described properties are not needed for the City's public use:

Permanent Surface Easement
125-13-006-KRCS-P2
0.0320 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 329; also being part of the land conveyed to City of Cleveland as recorded in Volume 9489, Page 145 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Sidaway Avenue (60 feet wide) and the centerline of Anita Kennedy Road SE (60 feet wide);

Thence, along the centerline of Sidaway Avenue, South 32° 02' 25" West, 50.75 feet;

Thence, continuing along the centerline of Sidaway Avenue, South 58° 55' 13" West, 59.48 feet to the northeasterly line of land conveyed to the Greater Cleveland Regional Transit Authority as recorded in Volume 14450, Page 685 of the Cuyahoga County Records;

Thence, leaving said centerline, along the northeasterly line of said land conveyed to the Greater Cleveland Regional Transit Authority, South 57° 10' 30" East, 27.84 feet to the northwesterly corner of said land conveyed to City of Cleveland;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, South 58° 55' 13" West, 121.24 feet to the southwesterly corner thereof;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, South 58° 32' 57" East, 294.35 feet;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, South 56° 41' 48" West, 39.95 feet to the True Point of Beginning for the easement herein described;

Thence, leaving said northwesterly line, South 66° 44' 11" East, 28.33 feet;

Thence, South 60° 00' 01" East, 80.79 feet;

Thence, South 50° 34' 26" East, 41.91 feet to the southwesterly line of said land conveyed to City of Cleveland;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, North 62° 39' 30" West, 155.86 feet to the northwesterly line of said land conveyed to City of Cleveland;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, North 56° 41' 48" East, 12.05 feet to the point of beginning.

Containing within said bounds, 0.0320 acres (1,395 square feet) of land as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Permanent Subterranean Easement
125-16-001-KRCS-P1

0.1846 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot Nos. 326 and 327; also being part of the land conveyed to City of Cleveland as recorded in Volume 8419, Page 323 and Volume 8666, Page 471 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 68th Street (40 feet wide) and the centerline of Hoppensack Avenue (40 feet wide);

Thence, along the centerline of East 68th Street, North 01° 11' 17" West, 179.08 feet to a point in the westerly extension of the northerly line of said Parcel No. 2 in Halmarnie, Inc. Plat of Partition, as recorded in AFN 202305160416 of the Cuyahoga County Map Records;

Thence, leaving said centerline, along the northerly line of said Parcel No. 2, and its westerly extension, the following three courses;

North 89° 42' 32" East, 271.25 feet;

Thence, North 01° 18' 26" West, 53.20 feet;

Thence, North 88° 41' 34" East, 267.34 feet to the northwesterly corner of said land conveyed to City of Cleveland;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, along the arc of a curve which deflects to the left, 202.01 feet the True Point of Beginning for the easement herein described, said curve having a radius of 1555.00 feet, a central angle of 07° 26' 36", and a chord of 201.87 feet, which bears South 50° 11' 43" East;

Thence, leaving said southwesterly line, South 78° 03' 53" East, 362.87 feet to the southerly right-of-way of Garden Valley Avenue (63 feet wide);

Thence, along the southerly right-of-way of Garden Valley Avenue, along the arc of a curve which deflects to the left, 142.38 feet, said curve having a radius of 1445.00 feet, a central angle of 05° 38' 44", and a chord of 142.32 feet, which bears South 69° 59' 12" East;

Thence, leaving said southerly right-of-way, North 78° 03' 53" West, 457.15 feet to southwesterly line of said land conveyed to City of Cleveland;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, along the arc of a curve which deflects to the right, 50.74 feet to the point of beginning, said curve having a radius of 1555.00 feet, a central angle of 01° 52' 11", and a chord of 50.74 feet, which bears North 54° 51' 06" West;

Containing within said bounds, 0.1846 acres (8,041 square feet) of land and having a lower elevation of 538.00 (148 feet below ground surface) and an upper elevation of 588.00 (98 feet below ground surface), as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of January, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

Permanent Surface Easement
128-30-001-KRCS-P1
0.0905 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 433; also being part of the land conveyed to the City of Cleveland as recorded in Volume 747, Page 311, Volume 747, Page 315, Volume 747, Page 320, and Volume 747, Page 324 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 93rd Street (80 feet wide) and the centerline of Kinsman Road (66 feet wide);

Thence, along the centerline of Kinsman Road, South 74° 53' 31" East, 470.53 feet;

Thence, leaving said centerline, North 15° 06' 29" East, 33.00 feet to the northerly right-of-way of Kinsman Road and the True Point of Beginning for the easement herein described;

Thence, leaving the northerly right-of-way of Kinsman Road, North 09° 46' 06" East, 21.21 feet;

Thence, North 63° 07' 52" East, 76.16 feet;

Thence, North 04° 40' 16" East, 16.42 feet;

Thence, South 85° 27' 27" East, 29.78 feet;

Thence, South 04° 17' 39" West, 33.27 feet;

Thence, South 63° 07' 52" West, 46.93 feet;

Thence, South 15° 06' 29" West, 29.59 feet to the northerly right-of-way of Kinsman Road;

Thence, along the northerly right-of-way of Kinsman Road, North 74° 53' 31" West, 52.30 feet to the point of beginning.

Containing within said bounds, 0.0905 acres (3,943 square feet) of land as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Permanent Subterranean Easement
125-16-001-KRCS-P2
0.5275 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 327; also being part of Parcel No. 2 conveyed to City of Cleveland as recorded in Volume 8419, Page 323 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 79th Street (width varies) and the centerline of Garden Valley Avenue (63 feet wide);

Thence, along the centerline of Garden Valley Avenue, South 89° 17' 46" West, 162.23 feet;

Thence, leaving said centerline, South 00° 42' 14" East, 30.00 feet to the southerly right-of-way of Garden Valley Avenue and the True Point of Beginning for the easement herein described;

Thence, leaving said southerly right-of-way, along the arc of a curve which deflects to the right, 353.16 feet, said curve having a radius of 610.00 feet, a central angle of 33° 10' 16", and a chord of 348.25 feet, which bears South 73° 24' 52" West;

Thence, North 90° 00' 00" West, 265.61 feet;

Thence, along the arc of a curve which deflects to the right, 335.38 feet, said curve having a radius of 1610.00 feet, a central angle of 11° 56' 07", and a chord of 334.77 feet, which bears North 84° 01' 57" West;

Thence, North 78° 03' 53" West, 297.64 feet to the southerly right-of-way of Garden Valley Avenue;

Thence, along the southerly right-of-way of Garden Valley Avenue, along the arc of a curve which deflects to the left, 142.38 feet, said curve having a radius of 1445.00 feet, a central angle of 05° 38' 44", and a chord of 142.32 feet, which bears South 86° 08' 35" East;

Thence, leaving said southerly right-of-way, South 78° 03' 53" East, 156.73 feet;

Thence, along the arc of a curve which deflects to the left, 331.21 feet, said curve having a radius of 1590.00 feet, a central angle of 11° 56' 07", and a chord of 330.61 feet, which bears South 84° 01' 57" East;

Thence, South 90° 00' 00" East, 265.61 feet;

Thence, along the arc of a curve which deflects to the left, 308.69 feet the southerly right-of-way of Garden Valley Avenue, said curve having a radius of 590.00 feet, a central angle of 29° 58' 37", and a chord of 305.18 feet, which bears North 75° 00' 41" East;

Thence, along the southerly right-of-way of Garden Valley Avenue, North 89° 17' 46" East, 38.96 feet to the point of beginning

Containing within said bounds, 0.5275 acres (22,979 square feet) of land and having a lower elevation of 541.00 (151 feet below ground surface) and an upper elevation of 591.00 (101 feet below ground surface), as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of January, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

Permanent Subterranean Easement
125-17-014+-KRCS-P1
0.0400 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot Nos. 30 and 31 in the Meyer and Thoman's Allotment of part of Original 100 Acre Lot No. 329, as recorded in Volume 7, Page 4 of the Cuyahoga County Map Records; also being part of the land conveyed to the City of Cleveland as recorded in Volume 12133, Page 265, and Volume 12133, Page 797 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 66th Street (40 feet wide) and the centerline of Berwick Road (40 feet wide);

Thence, along the centerline of Berwick Road, South 57° 11' 21" East, 421.93 feet to a point in the northerly extension of the westerly line of said Sublot No. 31;

Thence, leaving said centerline, along the westerly line of said Sublot No. 31 and its northerly extension, South 32° 48' 39" West, 102.79 feet to the True Point of Beginning for the easement herein described;

Thence, leaving said westerly line, South 33° 49' 46" East, 87.10 feet to the easterly line of said Sublot No. 30;

Thence, along the easterly line of said Sublot No. 30, South 32° 48' 39" West, 21.79 feet;

Thence, leaving said easterly line, North 33° 49' 46" West, 87.10 feet to the westerly line of said Sublot No. 31;

Thence, along the westerly line of said Sublot No. 31, North 32° 48' 39" East, 21.79 feet to the point of beginning.

Containing within said bounds, 0.0400 acres (1,742 square feet) of land of land and having a lower elevation of 583.00 (92 feet below ground surface) and an upper elevation of 621.00 (54 feet below ground surface), as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of January, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

Permanent Subterranean Easement
125-13-003-KRCS-P1
0.4164 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Parcel “D” in Plat of Lot Split and Consolidation for City of Cleveland and Cuyahoga Metropolitan Housing Authority of part of Original 100 Acre Lot Nos. 326 and 329, as recorded in Volume 363, Page 70 of the Cuyahoga County Map Records; also being part of the land conveyed to City of Cleveland as recorded in Volume 6867, Page 318 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 67th Street (50 feet wide) and the centerline of Selma Avenue (40 feet wide);

Thence, along the centerline of East 67th Street, North 01° 09' 54" West, 100.00 feet to a point in the westerly extension of the southerly line of Sublot No. 33 in J. H. Webster’s Re-Allotment of Block “A” and Sublot No. 9 in J. H. Webster’s Re-Allotment, as recorded in Volume 42, Page 24 of the Cuyahoga County Records;

Thence, leaving said centerline, along the southerly line of said Sublot No. 33 and its westerly extension, North 89° 56' 06" East, 133.83 feet to the southeasterly corner thereof, also being the northwesterly corner of said Parcel “D”;

Thence, along the northerly line of said Parcel “D”, North 56° 41' 48" East, 288.99 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the northerly line of said Parcel “D”, North 56° 41' 48" East, 24.60 feet;

Thence, leaving said northerly line, South 02° 18' 03" West, 913.58 feet to the southerly line of said Parcel “D”;

Thence, along the southerly line of said Parcel “D”, North 89° 54' 54" West, 20.01 feet;

Thence, leaving said southerly line, North 02° 18' 03" East, 900.04 feet to the point of beginning.

Containing within said bounds, 0.4164 acres (18,136 square feet) of land and having a lower elevation of 544.00 (96 feet below ground surface) and an upper elevation of 582.00 (58 feet below ground surface), as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of January, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

Permanent Surface Easement
128-30-001-KRCS-P2
0.0848 Acres

Original 100 Acre Lot No. 433; also being part of the land conveyed to the City of Cleveland as recorded in Volume 747, Page 311, Volume 747, Page 315, Volume 747, Page 320, and Volume 747, Page 324 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 93rd Street (80 feet wide) and the centerline of Kinsman Road (66 feet wide);

Thence, along the centerline of Kinsman Road, South 74° 53' 31" East, 1135.84 feet;

Thence, leaving said centerline, North 15° 06' 29" East, 33.00 feet to the northerly right-of-way of Kinsman Road and the True Point of Beginning for the easement herein described;

Thence, leaving the northerly right-of-way of Kinsman Road, North 14° 54' 58" East, 37.40 feet;

Thence, North 75° 03' 23" West, 44.00 feet;

Thence, North 14° 56' 37" East, 46.00 feet;

Thence, South 75° 03' 23" East, 64.00 feet;

Thence, South 14° 56' 37" West, 83.46 feet to the northerly right-of-way of Kinsman Road;

Thence, along the northerly right-of-way of Kinsman Road, North 74° 53' 31" West, 19.98 feet to the point of beginning.

Containing within said bounds, 0.0848 acres (3,692 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Permanent Subterranean Easement
125-12-151-KRCS-P1
0.0560 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot Nos. 16 through 19 in the John H. Poisa Re- Allotment of part of Original 100 Acre Lot No. 326, as recorded in Volume 36, Page 29 of the Cuyahoga County Map Records; also being part of the land conveyed to City of Cleveland as recorded in Volume 11362, Page 215, Volume 11363, Page 101, Volume 11369, Page 311, and Volume 11371, Page 17 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 65th Street (66 feet wide) and the centerline of Newman Avenue (50 feet wide);

Thence, along the centerline of Newman Avenue, South 89° 54' 54" East, 583.01 feet to the westerly line of land conveyed to Angela J. Smith as recorded in AFN 201004300484 of the Cuyahoga County Records;

Thence, along the easterly extension of the centerline of Newman Avenue, South 89° 54' 54" East, 50.00 feet to the westerly line of land conveyed to City of Cleveland as recorded in Volume 7298, Page 277 of the Cuyahoga County Records;

Thence, along the westerly line of said land conveyed to City of Cleveland, the following three courses;

South 01° 09' 54" East, 156.33 feet;

Thence, North 89° 57' 34" East, 19.48 feet;

Thence, South 01° 18' 26" East, 261.82 feet to the northerly line of said Sublot No. 19;

Thence, along the northerly line of said Sublot No. 19, North 89° 53' 18" East, 33.88 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the northerly line of said Sublot No. 19, North 89° 53' 18" East, 20.02 feet;

Thence, leaving said northerly line, South 02° 18' 03" West, 148.58 feet to the southerly line of said Sublot No. 16;

Thence, along the southerly line of said Sublot No. 16, South 89° 53' 18" West, 4.55 feet to the southwesterly corner of said land conveyed to City of Cleveland as recorded in Volume 11362, Page 215 of the Cuyahoga County Records;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 01° 18' 26" West, 37.12 feet to the southerly line of said Sublot No. 17;

Thence, along the southerly line of said Sublot No. 17, South 89° 53' 18" West, 13.13 feet;

Thence, leaving said southerly line, North 02° 18' 03" East, 111.44 feet to the point of beginning.

Containing within said bounds, 0.0560 acres (2,441 square feet) of land and having a lower elevation of 541.00 (136 feet below ground surface) and an upper elevation of 579.00 (98 feet below ground surface), as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of January, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

Permanent Surface Easement
125-13-003-KRCS-P2
0.2493 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Parcel “D” in Plat of Lot Split and Consolidation for City of Cleveland and Cuyahoga Metropolitan Housing Authority of part of Original 100 Acre Lot No. 329, as recorded in Volume 363, Page 70 of the Cuyahoga County Map Records; also being part of the land conveyed to City of Cleveland as recorded in Volume 6867,

Page 318 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Sidaway Avenue (60 feet wide) and the centerline of Anita Kennedy Road SE (60 feet wide);

Thence, along the centerline of Sidaway Avenue, South 32° 02' 25" West, 50.75 feet;

Thence, continuing along the centerline of Sidaway Avenue, South 58° 55' 13" West, 59.48 feet to the northeasterly line of land conveyed to the Greater Cleveland Regional Transit Authority, as recorded in Volume 14450, Page 685 of the Cuyahoga County Records;

Thence, leaving said centerline, along the northeasterly line of said land conveyed to the Greater Cleveland Regional Transit Authority, South 57° 10' 30" East, 27.84 feet to the northwesterly corner of land conveyed to City of Cleveland, as recorded in Volume 9489, Page 145 of the Cuyahoga County Records;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, South 58° 55' 13" West, 121.24 feet to the southwesterly corner thereof;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, South 58° 32' 57" East, 294.35 feet;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, South 56° 41' 48" West, 52.00 feet to the northwesterly corner of said Parcel “D” and the True Point of Beginning for the easement herein described;

Thence, along the northeasterly line of said Parcel “D”, South 62° 39' 30" East, 155.86 feet;

Thence, leaving said northeasterly line, South 50° 34' 26" East, 2.44 feet;

Thence, South 44° 55' 42" East, 161.96 feet;

Thence, South 56° 49' 35" East, 9.96 feet;

Thence, South 62° 09' 41" East, 23.84 feet;

Thence, South 77° 54' 42" East, 20.92 feet;

Thence, South 83° 11' 40" East, 30.70 feet;

Thence, North 84° 12' 37" East, 42.10 feet;

Thence, North 72° 31' 19" East, 16.70 feet to the northeasterly line of said Parcel “D”;

Thence, along the northeasterly line of said Parcel “D”, South 62° 39' 30" East, 35.47 feet;

Thence, leaving said northeasterly line, South 72° 31' 19" West, 44.41 feet;

Thence, South 84° 12' 37" West, 47.41 feet;

Thence, North 83° 11' 40" West, 34.61 feet;

Thence, North 77° 54' 42" West, 25.53 feet;

Thence, North 62° 09' 41" West, 28.46 feet;

Thence, North 56° 49' 35" West, 13.71 feet;

Thence, North 45° 00' 43" West, 165.76 feet;

Thence, North 50° 34' 26" West, 38.64 feet;

Thence, North 60° 00' 01" West, 77.26 feet;

Thence, North 66° 44' 11" West, 39.21 feet;

Thence, North 65° 02' 42" West, 4.07 feet to the northwesterly line of said Parcel “D”;

Thence, along the northwesterly line of said Parcel “D”, North 56° 41' 48" East, 17.76 feet to the point of beginning.

Containing within said bounds, 0.2493 acres (10,859 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Permanent Surface Easement
125-13-006-KRCS-P1
0.0324 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 329; also being part of the land conveyed to City of Cleveland as recorded in Volume 9489, Page 145 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Sidaway Avenue (60 feet wide) and the centerline of Anita Kennedy Road SE (60 feet wide);

Thence, along the centerline of Sidaway Avenue, South 32° 02' 25" West, 50.75 feet;

Thence, continuing along the centerline of Sidaway Avenue, South 58° 55' 13" West, 59.48 feet to the northeasterly line of land conveyed to the Greater Cleveland Regional Transit Authority, as recorded in Volume 14450, Page 685 of the Cuyahoga County Records;

Thence, leaving said centerline, along the northeasterly line of said land conveyed to the Greater Cleveland Regional Transit Authority, South 57° 10' 30" East, 27.84 feet to the northwesterly corner of said land conveyed to City of Cleveland;

Thence, along the northeasterly line of said land conveyed to City of Cleveland, South 57° 10' 30" East, 680.67 feet to the westerly right-of-way of East 71st Street (50 feet wide);

Thence, along the westerly right-of-way of East 71st Street, South 04° 38' 46" West, 56.81 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the westerly right-of-way of East 71st Street, South 04° 38' 46" West, 26.99 feet;

Thence, leaving said westerly right-of-way, South 72° 31' 19" West, 38.81 feet to the southwesterly line of said land conveyed to City of Cleveland;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, North 62° 39' 30" West, 35.47 feet;

Thence, leaving said southwesterly line, North 72° 31' 19" East, 74.13 feet to the point of beginning.

Containing within said bounds, 0.0324 acres (1,412 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Permanent Subterranean Easement
125-13-002-KRCS-P1
0.2645 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 326; also being part of the land conveyed to City of Cleveland as recorded in Volume 7298, Page 277 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 65th Street (66 feet wide) and the centerline of Newman Avenue (50 feet wide);

Thence, along the centerline of Newman Avenue, South 89° 54' 54" East, 583.01 feet to the westerly line of land conveyed to Angela J. Smith, as recorded in AFN 201004300484 of the Cuyahoga County Records;

Thence, along the easterly extension of the centerline of Newman Avenue, South 89° 54' 54" East, 50.00 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 01° 09' 54" West, 157.81 feet to the northwesterly corner thereof;

Thence, along the northerly line of said land conveyed to City of Cleveland, South 89° 54' 54" East, 88.85 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the northerly line of said land conveyed to City of Cleveland, South 89° 54' 54" East, 20.01 feet;

Thence, leaving said northerly line, South 02° 18' 03" West, 576.01 feet to the southerly line of said land conveyed to City of Cleveland;

Thence, along the southerly line of said land conveyed to City of Cleveland, South 89° 53' 18" West, 20.02 feet;

Thence, leaving said southerly line, North 02° 18' 03" East, 576.08 feet to the point of beginning.

Containing within said bounds, 0.2645 acres (11,521 square feet) of land and having a lower elevation of 542.00 (122 feet below ground surface) and an upper elevation of 580.00 (84 feet below ground surface), as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of January, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

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
126-38-016-KRCS-T2

0.0544 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Parcel "A" in Lot Consolidation Map, of part of Original 100 Acre Lot No. 432 as recorded in Volume 370, Page 93 of the Cuyahoga County Map Records; also being part of the land conveyed to City of Cleveland Land Reutilization Program, as recorded in AFN 201110210330 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a point in the westerly right-of-way of Woodhill Road (80 feet wide) at the southeasterly corner of said Parcel "A";

Thence, leaving said westerly right-of-way, along the southerly line of said Parcel "A", South 89° 42' 54" West, 442.36 feet to the southwesterly corner thereof;

Thence, along the westerly line of said Parcel "A", also being the easterly line of Parcel "A" in Lot Consolidation Plat for 93 Kinsman LLC, as recorded in AFN 201803220379 of the Cuyahoga County Map Records, North 23° 51' 28" East, 138.08 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the westerly line of said Parcel "A", North 23° 51' 28" East, 48.08 feet;

Thence, leaving said westerly line, North 80° 09' 36" East, 49.37 feet;

Thence, South 00° 00' 00" East, 40.60 feet;

Thence, South 80° 09' 36" West, 69.10 feet to the point of beginning.

Containing within said bounds, 0.0544 acres (2,369 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
126-38-016-KRCS-T1
0.0057 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Parcel "A" in Lot Consolidation Map, of part of Original 100 Acre Lot No. 433, as recorded in Volume 370, Page 93 of the Cuyahoga County Map Records; also being part of the land conveyed to City of Cleveland Land Reutilization Program, as recorded in AFN 201110210330 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point in the westerly right-of-way of Woodhill Road (80 feet wide) at the southeasterly corner of said Parcel “A”;

Thence, leaving said westerly right-of-way, along the southerly line of said Parcel “A”, South 89° 42' 54" West, 37.81 feet;

Thence, leaving said southerly line, North 21° 40' 03" East, 14.14 feet;

Thence, South 68° 19' 57" East, 35.07 feet to the point of beginning.

Containing within said bounds, 0.0057 acres (248 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
125-13-003-KRCS-T1
0.0186 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Parcel “D” in Plat of Lot Split and Consolidation for City of Cleveland and Cuyahoga Metropolitan Housing Authority, of part of Original 100 Acre Lot No. 329, as recorded in Volume 363, Page 70 of the Cuyahoga County Map Records; also being part of the land conveyed to City of Cleveland as recorded in Volume 6867, Page 318 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Sidaway Avenue (60 feet wide) and the centerline of Anita Kennedy Road SE (60 feet wide);

Thence, along the centerline of Sidaway Avenue, South 32° 02' 25" West, 50.75 feet;

Thence, continuing along the centerline of Sidaway Avenue, South 58° 55' 13" West, 59.48 feet to the northeasterly line of land conveyed to the Greater Cleveland Regional Transit Authority as recorded in Volume 14450, Page 685 of the Cuyahoga County Records;

Thence, leaving said centerline, along the northeasterly line of said land conveyed to the Greater Cleveland Regional Transit Authority, South 57° 10' 30" East, 27.84 feet to the northwesterly corner of land conveyed to City of Cleveland as recorded in Volume 9489, Page 145 of the Cuyahoga County Records;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, South 58° 55' 13" West, 121.24 feet to the southwesterly corner thereof;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, South 58° 32' 57" East, 294.35 feet;

Thence, along the northwesterly line of said land conveyed to City of Cleveland, South 56° 41' 48" West, 52.00 feet to the northwesterly corner of said Parcel “D”;

Thence, along the northeasterly line of said Parcel “D”, South 62° 39' 30" East, 408.66 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the northeasterly line of said Parcel “D”, South 62° 39' 30" East, 33.63 feet;

Thence, leaving said northeasterly line, South 72° 31' 19" West, 16.70 feet;

Thence, South 84° 12' 37" West, 42.10 feet;

Thence, North 83° 11' 40" West, 10.95 feet;

Thence, North 58° 54' 07" East, 45.32 feet to the point of beginning.

Containing within said bounds, 0.0186 acres (808 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
125-13-006-KRCS-T2
0.0088 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 329; also being part of the land conveyed to City of Cleveland as recorded in Volume 9489, Page 145 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Sidaway Avenue (60 feet wide) and the centerline of Anita Kennedy Road SE (60 feet wide);

Thence, along the centerline of Sidaway Avenue, South 32° 02' 25" West, 50.75 feet;

Thence, continuing along the centerline of Sidaway Avenue, South 58° 55' 13" West, 59.48 feet to the northeasterly line of land conveyed to the Greater Cleveland Regional Transit Authority, as recorded in Volume 14450, Page 685 of the Cuyahoga County Records;

Thence, leaving said centerline, along the northeasterly line of said land conveyed to the Greater Cleveland Regional Transit Authority, South 57° 10' 30" East, 27.84 feet to the northwesterly corner of said land conveyed to City of Cleveland;

Thence, along the northeasterly line of said land conveyed to City of Cleveland, South 57° 10' 30" East, 680.67 feet to the westerly right-of-way of East 71st Street (50 feet wide);

Thence, along the westerly right-of-way of East 71st Street, South 04° 38' 46" West, 83.80 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the westerly right-of-way of East 71st Street, South 04° 38' 46" West, 17.87 feet;

Thence, leaving said westerly right-of-way, North 88° 13' 41" West, 25.17 feet to the southwesterly line of said land conveyed to City of Cleveland;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, North 62° 39' 30" West, 11.72 feet;

Thence, leaving said southwesterly line, North 72° 31' 19" East, 38.81 feet to the point of beginning.

Containing within said bounds, 0.0088 acres (385 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
125-13-006-KRCS-T1
0.0852 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 329; also being part of the land conveyed to City of Cleveland as recorded in Volume 9489, Page 145 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Sidaway Avenue (60 feet wide) and the centerline of Anita Kennedy Road SE (60 feet wide);

Thence, along the centerline of Sidaway Avenue, South 32° 02' 25" West, 50.75 feet;

Thence, continuing along the centerline of Sidaway Avenue, South 58° 55' 13" West, 59.48 feet to the northeasterly line of land conveyed to the Greater Cleveland

Regional Transit Authority, as recorded in Volume 14450, Page 685 of the Cuyahoga County Records;

Thence, leaving said centerline, along the northeasterly line of said land conveyed to the Greater Cleveland Regional Transit Authority, South 57° 10' 30" East, 27.84 feet to the northwesterly corner of said land conveyed to City of Cleveland;

Thence, along the northeasterly line of said land conveyed to City of Cleveland, South 57° 10' 30" East, 680.67 feet to the westerly right-of-way of East 71st Street (50 feet wide) and the True Point of Beginning for the easement herein described;

Thence, along the westerly right-of-way of East 71st Street, South 04° 38' 46" West, 56.81 feet;

Thence, leaving said westerly right-of-way, South 72° 31' 19" West, 74.13 feet to the southwesterly line of said land conveyed to City of Cleveland;

Thence, along the southwesterly line of said land conveyed to City of Cleveland, North 62° 39' 30" West, 33.63 feet;

Thence, leaving said southwesterly line, North 58° 54' 07" East, 122.83 feet to the point of beginning.

Containing within said bounds, 0.0852 acres (3,710 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
128-30-001-KRCS-T1
0.1481 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 433; also being part of the land conveyed to the City of Cleveland as recorded in Volume 747, Page 311, Volume 747, Page 315, Volume 747, Page 320, and Volume 747, Page 324 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 93rd Street (80 feet wide) and the centerline of Kinsman Road (66 feet wide);

Thence, along the centerline of Kinsman Road, South 74° 53' 31" East, 470.53 feet;

Thence, leaving said centerline, North 15° 06' 29" East, 33.00 feet to the northerly right-of-way of Kinsman Road and the True Point of Beginning for the easement herein described;

Thence, along the northerly right-of-way of Kinsman Road, North 74° 53' 31" West, 11.69 feet;

Thence, leaving the northerly right-of-way of Kinsman Road, North 01° 10' 04" West, 45.12 feet;

Thence, North 85° 41' 40" East, 29.51 feet;

Thence, North 05° 25' 10" West, 19.30 feet;

Thence, North 79° 21' 01" East, 44.13 feet;

Thence, North 82° 47' 47" East, 47.44 feet;

Thence, South 05° 43' 50" East, 61.28 feet;

Thence, South 03° 21' 56" East, 53.88 feet to the northerly right-of-way of Kinsman Road;

Thence, along the northerly right-of-way of Kinsman Road, North 74° 53' 31" West, 66.94 feet;

Thence, leaving the northerly right-of-way of Kinsman Road, North 15° 06' 29" East, 29.59 feet;

Thence, North 63° 07' 52" East, 46.93 feet;

Thence, North 04° 17' 39" East, 33.27 feet;

Thence, North 85° 27' 27" West, 29.78 feet;

Thence, South 04° 40' 16" West, 16.42 feet;

Thence, South 63° 07' 52" West, 76.16 feet;

Thence, South 09° 46' 06" West, 21.21 feet to the point of beginning.

Containing within said bounds, 0.1481 acres (6,452 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
128-30-001-KRCS-T2
0.1790 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 433; also being part of the land conveyed to the City of Cleveland as recorded in Volume 747, Page 311, Volume 747, Page 315, Volume 747, Page 320, and Volume 747, Page 324 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 93rd Street (80 feet wide) and the centerline of Kinsman Road (66 feet wide);

Thence, along the centerline of Kinsman Road, South 74° 53' 31" East, 760.51 feet;

Thence, leaving said centerline, North 15° 06' 29" East, 33.00 feet to the northerly right-of-way of Kinsman Road;

Thence, continuing North 15° 06' 29" East, 28.59 feet to the True Point of Beginning for the easement herein described;

Thence, North 11° 39' 35" East, 68.03 feet;

Thence, South 76° 58' 57" East, 116.00 feet;

Thence, South 11° 38' 28" West, 66.39 feet;

Thence, North 77° 47' 31" West, 116.00 feet to the point of beginning.

Containing within said bounds, 0.1790 acres (7,795 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2024.

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

Temporary Easement
128-30-001-KRCS-T3
0.2980 Acres

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 433; also being part of the land conveyed to the City of Cleveland as recorded in Volume 747, Page 311, Volume 747, Page 315, Volume 747, Page 320, and Volume 747, Page 324 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of East 93rd Street (80 feet wide) and the centerline of Kinsman Road (66 feet wide);

Thence, along the centerline of Kinsman Road, South 74° 53' 31" East, 1135.84 feet;

Thence, leaving said centerline, North 15° 06' 29" East, 33.00 feet to the northerly right-of-way of Kinsman Road and the True Point of Beginning for the easement herein described;

Thence, along the northerly right-of-way of Kinsman Road, North 74° 53' 31" West, 146.91 feet;

Thence, leaving the northerly right-of-way of Kinsman Road, North 14° 57' 03" East, 86.53 feet;

Thence, South 75° 03' 23" East, 115.43 feet;

Thence, North 14° 56' 37" East, 25.00 feet;

Thence, South 75° 03' 23" East, 59.53 feet;

Thence, South 14° 56' 37" West, 112.03 feet to the northerly right-of-way of Kinsman Road;

Thence, along the northerly right-of-way of Kinsman Road, North 74° 53' 31" West, 8.08 feet;

Thence, leaving the northerly right-of-way of Kinsman Road, North 14° 56' 37" East, 83.46 feet;

Thence, North 75° 03' 23" West, 64.00 feet;

Thence, South 14° 56' 37" West, 46.00 feet;

Thence, South 75° 03' 23" East, 44.00 feet;

Thence, South 14° 54' 58" West, 37.40 feet to the point of beginning.

Containing within said bounds, 0.2980 acres (12,980 square feet) of land, as surveyed by KS Associates, Inc., under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 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 and the exclusive temporary easements to the NEORSD, subject to any conditions stated in this ordinance at an appraised price of $99,350, which is determined to be fair market value.

Section 4. That the purpose of the easements shall be for the construction and maintenance of Kingsbury Run Consolidation Sewer Project.

Section 5. That the duration of the non-exclusive easements shall be perpetual; that the duration of the exclusive temporary easements shall be until the construction of the Kingsbury Run Consolidation Sewer Project is completed; that the non-exclusive easements and exclusive temporary easements may include reasonable right-of-entry rights to the City; that the easements and temporary easements shall not be assignable without the consent of the Directors of Parks and Recreation, Public Works, Community Development, and Public Safety; that the easements and temporary easements shall require that the NEORSD provide reasonable insurance and pay any applicable taxes and assessments.

Section 6. That the conveyances referred to above shall be made by official deeds of easement and official deeds of temporary easement, prepared by the Director of Law and executed by the Directors of Parks and Recreation, Public Works, Community Development, and Public Safety on behalf of the City of Cleveland. The deeds of 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 Parks and Recreation, Public Works, Community Development, Public Safety, 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 the Directors of Parks and Recreation; Public Works; Community Development; Public Safety; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Development, Planning and Sustainability.

Ordinance No. 671-2025

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

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Neff Road from the CSX Railroad bridge to Bella Drive; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement; and authorizing the Director of Capital Projects to enter into any relative agreements in making of the improvement.

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. *Consent*. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to participate in the cost to resurface Neff Road from CSX Railroad bridge to Bella Drive, County Project ID No. 244 (the "Improvement").

Section 2. *Cooperation*.

(a) That the City will cooperate with the County in the Improvement;

(b) That the City will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements to conform to generally accepted engineering practices and principles;

(c) That the City will arrange for the supervision and administration of the construction project;

(d) That the County will review the construction plans for conformance with division (b) of this section. County approval of plans and specifications is required prior to the advertisement of the construction contract. The County will make an inspection of the completed project; and

(e) That the City shall agree to provide the County with a complete set of as-built plans upon the completion of the project.

Section 3. *Funding*.

(a) That the City agrees to participate with the County in the cost of the Improvement by using an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project; and by applying to the County to use the County Motor Vehicle License Tax Funds for the Improvement;

(b) That the County shall contribute fifty percent (50%) of the cost of construction, which is determined to be eligible by the Cuyahoga County Engineer's policies, up to a maximum of $250,000. The anticipated construction cost for this project is $511,941. To determine funding eligibility, the County shall be notified immediately of any significant changes to the scope of work and/or construction cost;

(c) In the event the City secures additional funding for the Improvement, the County's financial contribution and supplemental funding cannot exceed the total actual cost of the Improvement; and

(d) That the City agrees to assume and contribute one hundred percent (100%) of the cost of any items included in any City construction contract, the items of which are determined by the County as not eligible or made necessary by the Improvement.

Section 4. *Maintenance*. That upon completion of the Improvement, the City will keep the highway open to traffic at all times and agrees to the following:

(a) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County, hold the right-of-way inviolate for public highway purposes, and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement, under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

Section 5. *Traffic*. That on completion of the Improvement, the City will keep the highway open to traffic at all times and agrees to the following:

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A)(6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal, but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall comply with and enforce relevant parking restrictions, including prohibiting parking on highways under Section 4511.66 of the Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 6. *Right-of-Way*.

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available; and

(b) That in the event any additional right-of-way is required for the Improvement, the City will arrange for the acquisition.

Section 7. *Utilities*.

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement; the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement; and the companies have agreed to make necessary rearrangements immediately after notification by the City;

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities;

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the

Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement; and

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the Ohio Department of Transportation's Construction and Material Specifications.

Section 8. *Miscellaneous*.

(a) That if the City includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Improvement), alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the City agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision;

(b) For purposes of this ordinance, the agent for the County and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members the County Engineer may designate.

(c) The City agrees to make all pertinent contractual books and records and other documents pertaining to the Improvement available to the County and its designated agents for purposes of audit and examination, upon reasonable request; and

(d) By enacting this ordinance, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

Section 9. That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

Section 10. That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

Section 11. That this Council authorizes the City's share of the Improvement, to be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712 and from future bonds if issued for this purpose, and from any fund or funds approved by the Director of Finance. (RQS 0103, RLA 2024-108)

Section 12. That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately upon taking effect.

Section 13. 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 the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 672-2025

By Council Members: Harsh, 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 Old Brooklyn Community Development Corporation, and/or its designee, located at the intersection of Memphis Avenue and Pearl Road in the Old Brooklyn neighborhood, for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the Memphis and Pearl Project.

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 Mayor and the Commissioner of Purchases and Supplies are authorized to acquire from and re-convey to, Old Brooklyn Community Development Corporation, and/or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

The Land referred to herein below is situated in the County of Cuyahoga, State of Ohio, and is described as follows:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being the "Old Burying Ground Lot" part of the Original Brooklyn Township Lot No. 64 and further bounded and described as follows:

Beginning at a drill hole found in a monument box (North 86 degrees 37'00" East, 0.46 feet) at the centerline intersection of Pearl Road (US Route 42) (formerly Pearl Street) (formerly called the Turnpike) (100 feet wide) and Memphis Avenue (formerly Mill Street) (formerly Lindale Avenue) (width varies);

Thence South 86 degrees 37' 00" West along the centerline of Memphis Avenue, 37.68 feet to the original westerly right-of-way of Pearl Road (formerly 66 feet wide);

Thence North 25 degrees 28'13" East along said original westerly right-of-way Pearl Road, 28.54 feet to the northerly right-of-way Memphis Avenue;

Thence South 86 degrees 37'00" West along the northerly right-of-way of Memphis Avenue, 27.40 feet to a drill hole found (North 25 degrees 28' 13" East, 0.66 feet) at the westerly right-of-way of Pearl Road and being the Principal Place of Beginning of the premises herein described;

Thence South 86 degrees 37' 00" West continuing along the northerly right-of-way of Memphis Avenue, 40.91 feet to a p.k. nail set at the southeasterly most corner of land conveyed to Greenland Building, LLC (Parcel No. 3) by the deed recorded in AFN 202101210180 of Cuyahoga County Deed Records;

Thence North 64 degrees 26' 48" West along the northerly line Parcel No. 3 of land so conveyed to Greenland Building LLC, 77.45 feet to a p.k. nail set on the easterly line of land conveyed to Greenland Building LLC (Parcel No. 1), by the deed recorded in AFN 20210120180 of Cuyahoga County Deed Records;

Thence North 21 degrees 13' 37" East along the westerly line of said Parcel No. 1 of land so conveyed to Greenland Building LLC, 74.05 feet to a p.k. nail set on the southerly line of land conveyed to the Pearl Road Methodist Episcopal Church (formerly known as the Trustees of the Methodist Episcopal Church Village of South Brooklyn) by the deed recoded in Volume 642, Page 455 of Cuyahoga County of Deed Records;

Thence South 60 degrees 19' 45" East along said southerly line of land so conveyed to Pearl Road Methodist Episcopal Church, 6.36 feet to a p.k. nail set;

Thence North 28 degrees 26' 22" East along the easterly most line of land so conveyed to Pearl Road Methodist Episcopal Church, 69.00 feet to a 1/2" iron pipe found on the southerly line of land conveyed to Pearl Road Methodist Episcopal Church (formerly known as the Trustless of the Methodist Episcopal Church Village of South Brooklyn) by the deed recorded in Volume 102, Page 268 of Cuyahoga County Deed Records;

Thence South 61 degrees 34'16" East along the said southerly line of land so conveyed to Pearl Road Methodist Episcopal Church, 108.98 feet to a p.k. nail set on the westerly right-of-way of Pearl Road;

Thence South 25 degrees 28" 13' West along said westerly right-of-way of Pearl Road, 117.04 feet to the northerly right-of-way of Memphis Avenue and to the Principal Place of Beginning and containing 0.3555 acres of land, as surveyed and described by Peter John Graulloff, P.S. No. 8646 of The Riverstone Company in April 2021, subject to all legal highways, restrictions, reservations and easements of record.

Deeds of Reference: Land described to Cuyahoga County Land Reutilization Corporation by deed dated December 4, 2019, and recorded in AFN 201912040665 of Cuyahoga Deed Records.

Basis of Bearings:

The centerline of Memphis Avenue South 86 degrees 37' 00" west is an assumed bearing and is used to indicate angles only.

014-10-024 4216 Pearl Road, Cleveland, OH 44109

Parcel 2:
Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Brooklyn Township Lot No. 64, and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue S.W., 50 feet wide at its point of intersection with the Northwesterly line of land conveyed to Richard Vaughn by deed dated August 22, 1836, and recorded in Volume 22, Page 230 of Cuyahoga County Records;

Thence Northeasterly along the Northwesterly line of land conveyed to Richard Vaughn to its point of intersection with the Southwesterly line of land conveyed to the Trustees of the Methodist Episcopal Church of the Village of South Brooklyn, Ohio, by deed dated June 13, 1896, and recorded in Volume 642, Page 455 of Cuyahoga County Records;

Thence Northwesterly along said Southwesterly line of land so conveyed to the Trustees of the Methodist Episcopal Church of the Village of South Brooklyn, Ohio, to the Southeasterly line of land conveyed to John W. Dorsey and Carrie E. Dorsey, by deed dated November 17, 1915, and recorded in Volume 1740, Page 250 of Cuyahoga County Records;

Thence Southwesterly along said Southeasterly line of land so conveyed to John W. Dorsey and Carrie E. Dorsey, to said Northerly line of Memphis Avenue, S.W.;

Thence Easterly along said Northerly line of Memphis Avenue, S.W., to the place of beginning, be the same more or less, but subject to all legal highways.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 64, and bounded and described as follows:

Beginning at the intersection of the West line of Pearl Road, S.W. (100 feet) with the North line of Memphis Avenue, S.W. (50 feet);

Thence South 87 deg. 09' 25" West along the Northerly line of Memphis Avenue, S.W., (50 feet) a distance of 218.38 feet to a drill hole at the Southeasterly corner of land conveyed to The Pearl Road Methodist Episcopal Church by deed dated April 4, 1927, and recorded in Volume 3565, Page 17 of the Cuyahoga County Deed Records,

said drill hole also being the Southwesterly corner of land conveyed to Mary E. Frank, by deed dated April 9, 1925, and recorded in Volume 3172, Page 163 of Cuyahoga County Deed Records, said drill hole also being the principal place of beginning;

Thence continuing along the Northerly line of Memphis Avenue, S.W., (50 feet) South 87 degrees 09' 25" West, a distance of 3.50 feet to a point;

Thence North 25 degrees 51' 18" East, a distance of 151.89 feet to a stone, said stone being the Northeasterly corner of land owned by the afore-mentioned Pearl Road Methodist Episcopal Church;

Thence South 24 degrees 41' 03" West along said Pearl Road Methodist Episcopal Church's Easterly line, a distance of 150.24 feet to the principal place of beginning, be the same more or less, but subject to all legal highways .

014-10-055 3430 - 34 Memphis Avenue, Cleveland, OH 44109

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 64, and bounded and described as follows:

Beginning at a stone on the Northerly line of Memphis Avenue, S.W., (formerly Mill Street), distant West 68.31 feet from the intersection of the Westerly line of Pearl Road S.W., with the Northerly line of said Memphis Avenue S.W.;

Thence Westerly along the Northerly line of said Memphis Avenue S.W., a distance of 89.17 feet to the Easterly line of a parcel of land conveyed by Adam Paillon and wife to Jacob Boesch, by deed dated December 28, 1868, and recorded in Volume 160, Page 566 of Cuyahoga Country Records;

Thence North 29 degrees 43' 30" East along the Easterly line of land so conveyed to Jacob Boesch, as aforesaid, a distance of 43.15 feet to a stone;

Thence South 61 degrees 04' East, a distance of 77.45 feet to the place of beginning, be the same more or less, but subject to all legal highways.

014-10-054 3426 Memphis Avenue, Cleveland, OH 44109

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 64, and bounded and described as follows:

Beginning at the intersection of the Southwesterly line of Broadview Road, S.W. (formerly Broadview Avenue), and the Northwesterly line of land conveyed to Charles William Vanderwyst by deed dated June 3, 1901, and recorded in Volume 788, Page

168 of Cuyahoga County Records (said point being also 225 feet distant Northwesterly, from the intersection of said Southwesterly line of Broadview Road, S.W. with the Northwesterly line of Pearl Road, S.W.); thence Northwesterly along the Southwesterly line of Broadview Road, S.W., 40 feet; thence Southwesterly parallel to the Northwesterly line of land conveyed to Vanderwyst, to a point in the Northeasterly line of land conveyed to N.E. Linden by deed dated May 14, 1895, and recorded in Volume 598, Page 500 of Cuyahoga County Records;

Thence Southeasterly along the Northeasterly line of N.E. Linden's land and along the extension Southeasterly thereof, about 40 feet to the point on the Southwesterly extension of the Northwesterly line of land conveyed to Charles William Vanderwyst, as aforesaid; thence Northeasterly along the Southwesterly extension of the land so conveyed, and along the Northwesterly line thereof, to the place of beginning, be the same more or less, but subject to all legal highways.

014-10-016 3425 Broadview Court, Cleveland, OH 44109

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 64, and bounded and described as follows:

Beginning at the Southwesterly line of Broadview Road, S.W. (formerly Mechanic Street), at a point distant Northwesterly measured along said Southwesterly line 185 feet from its intersection with the Northwesterly line of Pearl Road, S.W., said point of beginning being the most Easterly corner of land conveyed by Charity Amelia Granger (formerly Vanderwyst) to Charles William Vanderwyst, by deed dated June 3, 1901, and recorded in Volume 788, Page 168 of Cuyahoga County Records;

Thence Southwesterly along the Southeasterly line of the land conveyed to Charles William Vanderwyst, as aforesaid, to a point distant Northeasterly measured along said Southeasterly line, 8 feet from the Northeasterly line of land conveyed by Charity Amelia Granger and Ed. T. Granger, wife and husband, to the Trustees of the Methodist Episcopal Church, by deed dated June 13, 1896, and recorded in Volume 642, Page 455 of Cuyahoga County Records, which point is the principal place of beginning of the premises herein intended to Charles William Vanderwyst, as aforesaid, to the most Southerly corner thereof; thence Northwesterly along the Southwesterly line of the land conveyed to Charles William Vanderwyst, as aforesaid, 40 feet to the most Westerly corner thereof; thence Northeasterly along the Northwesterly line of the land conveyed to Charles William Vanderwyst, as aforesaid, to its intersection with a line extended Northwesterly parallel with the Southwesterly line of Broadview Road from the principal place of beginning of the premises herein intended to be described; thence Southeasterly along said line so extended to the principal place of beginning of the premises herein intended to be described, be the same more or less, but subject to all legal highways.

014-10-023 4200 Pearl Road, Cleveland, OH 44109

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of original Brooklyn Township Lot No. 64, and bounded and described as follows: Beginning in the center of Memphis Avenue S.W. (formerly Mill Street), at the Southwesterly corner of premises conveyed to Jacob Boesch by deed recorded in Volume 160, Page 566 of Cuyahoga County Records; thence Northeasterly along the Northwesterly line of land conveyed to Jacob Boesch as aforesaid, 177 feet; thence Northwesterly to the Northeasterly corner of premises conveyed to Sarah Acker, by deed recorded in Volume 302, Page 79 of Cuyahoga County Records; thence South 25 degrees 50' West along the Southeasterly line of premises so conveyed to Acker as aforesaid, and the same continued to the center line of Memphis Avenue S.W., (formerly Hill Street); thence Easterly along the centerline of Memphis Avenue S.W., (formerly Mill Street) 67 8/12 feet to the place of beginning.

014-10-056 Memphis Avenue, Cleveland, OH 44109

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 64 and bounded and described as follows:

Beginning on the Southwesterly line of land conveyed to Henry Binder, by deed January 13, 1898, and recorded in Volume 683, Page 76 of Cuyahoga County Records, and at the most Northerly corner of land conveyed to the City of Cleveland by deed dated December 31, 1927, and recorded in Volume 3741, Page 270 of Cuyahoga County Records;; said point being North 61 degrees 1' West 24 3/100 feet (measured along said southwesterly line of land so conveyed to Henry Binder) from the Northwesterly line of Pearl Road, S.W., (66 feet wide); thence North 61 degrees 1' West along the Southwesterly line of land so conveyed to Henry Binder, 98 22/100 feet; thence South 28 degrees 44' 10" West 55 91/100 feet; thence South 61 degrees 1' East 100 89/100 feet to the Northwesterly line of land conveyed to the City of Cleveland, as aforesaid; thence North 26 degrees East along the Northwesterly line of land so conveyed to the City of Cleveland, 55 99/100 feet to the place of beginning according to a survey dated July 1, 1926, made by The Wm. H. Evers Engineering Company.

014-10-022 Pearl Road, Cleveland, OH 44109. The address and/or tax parcel shown herein are provided solely for informational purposes and without warranty as to accuracy or completeness.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland, all necessary documents to acquire and to convey the property and to cause Old Brooklyn Community Development Corporation, and/or its designee, to employ, and to pay all fees for, title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the property.

Section 3. That this Council finds the conveyances are in compliance with division (B)(1) of Section 5709.41 of the Revised Code, and the proposed improvements constitute and are declared a public purpose under said section, and the subject property is located in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. That the conveyances shall be made by official deed 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.

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 the Directors of Economic Development; City Planning Commission; Finance; and Law; Committees on Development, Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 673-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $4,000,000, 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 $4,000,000 (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 five years, as evidenced by the certificate contained in **File No. 673-2025-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 $4,000,000, 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 division (K) of Section 133.01 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 division (B) of Section 133.15 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, 2025 (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, 2027; (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; 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 division (B) of Section 133.30 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 2025" 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 division (B)(1) of Section 133.25 and Section 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 division (a) of Section 17 of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in division (a) of Section 17 of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said division (a) of Section 17 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 $4,000,000 (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 division (B) of Section 133.30 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 division (a) of Section 13 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 the Directors of Finance and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 674-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $550,000 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 $550,000 (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. 674-2025-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 $550,000 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 division (K) of Section 133.01 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 division (B) of Section 133.15 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, 2025 (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, 2027; (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; 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 division (B) of Section 133.30 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 2025" 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 division (B)(1) of Section 133.25 and Section 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 division (a) of Section 17 of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in division (a) of Section 17 of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said division (a) of Section 17 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 $550,000 (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 division (B) of Section 133.30 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 division (a) of Section 13 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 the Directors of Finance and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 675-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $8,500,000 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 $8,500,000 (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. 675-2025-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 $8,500,000 for the purpose of providing funds to acquire and rehabilitate heavy duty trucks and equipment, including rear and side loader sanitation trucks, transfer station loader, dump trucks, street sweepers, plows, a leaf machine, asphalt equipment, a backhoe, a loader, an aerial bucket, ambulances 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 division (K) of Section 133.01 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 division (B) of Section 133.15 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, 2025 (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, 2027; (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; 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 division (B) of Section 133.30 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 2025" 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 division (B)(1) of Section 133.25 and Section 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 division (a) of Section 17 of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in division (a) of Section 17 of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said division (a) of Section 17 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 $8,500,000 (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 division (B) of Section 133.30 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 division (a) of Section 13 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 the Directors of Finance and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 676-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $12,000,000, 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 $12,000,000 (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 26 years, as evidenced by the certificate contained in **File No. 676-2025-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 $12,000,000 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, courts, stadiums, locker rooms and related buildings, structures, walkways, safety surfaces, pavement, landscaping, irrigation systems and facilities, and providing necessary water systems, solar power systems, safety and security systems, drainage, lighting, heating and cooling, 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 division (K)

of Section 133.01 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 division (B) of Section 133.15 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, 2025 (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, 2027; (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; 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 division (B) of Section 133.30 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 2025" 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 division (B)(1) of Section 133.25 and Section 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 division (a) of Section 17 of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in division (a) of Section 17 of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said division (a) of Section 17 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 $12,000,000 (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 "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 division (B) of Section 133.30 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 division (a) of Section 13 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 the Directors of Finance and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 677-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $25,500,000 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 $25,500,000 (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. 677-2025-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 $25,500,000 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 City Hall, fire stations, police facilities, service stations, centers and facilities, waste collection 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

division (K) of Section 133.01 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 division (B) of Section 133.15 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, 2025 (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, 2027; (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; 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 division (B) of Section 133.30 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 2025" 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 division (B)(1) of Section 133.25 and Section 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 division (a) of Section 17 of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in division (a) of Section 17 of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said division (a) of Section 17 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 $25,500,000 (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 division (B) of Section 133.30 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 division (a) of Section 13 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 the Directors of Finance and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 678-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of $28,000,000 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 $28,000,000 (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 17 years, as evidenced by the certificate contained in **File No. 678-2025-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 $28,000,000 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, acquiring barricades and other traffic control equipment, 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 division (K) of Section 133.01 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 division (B) of Section 133.15 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, 2025 (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, 2027; (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; 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 division (B) of Section 133.30 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 2025" 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 division (B)(1) of Section 133.25 and Section 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 division (a) of Section 17 of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in division (a) of Section 17 of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said division (a) of Section 17 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 $28,000,000 (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 division (B) of Section 133.30 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 division (a) of Section 13 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 the Directors of Finance and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 679-2025

By Council Member: Griffin (by departmental request)

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

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

WHEREAS, pursuant to that authority, the Council passed Ordinance No. 29-16 on January 25, 2016 (the "General Bond Ordinance"), providing for the City's issuance, from time to time, of Water Pollution Control Revenue Bonds and Council approved the Master Trust Agreement, dated April 14, 2016, as supplemented and amended, from time to time (collectively, the "Trust Agreement"), between the City and Zions Bank, A Division of ZB, National Association, as trustee, under which the City issued and secured Water Pollution Control Revenue Bonds and into which the General Bond Ordinance was incorporated; and

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

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

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

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

"Bonds" means all Bonds issued and outstanding under the Trust Agreement and any Additional Bonds issued under the Trust Agreement.

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

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

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

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

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

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

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

"Trust Agreement" means the Master Trust Agreement, as previously supplemented and amended, and as it may be further supplemented and amended by any other Supplemental Trust Agreement.

"Master Trust Agreement" means the Master Trust Agreement, dated April 14, 2016, between the City and Zions Bank, A Division of ZB, National Association, as trustee.

"Municipal Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, pursuant to Section 18. This term was previously defined as "Financial Advisor" in the General Bond Ordinance and other prior legislation related to the Outstanding Bonds.

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

"Outstanding Bonds" means all Bonds that have been authenticated and delivered, or are then being delivered, by the Trustee, as of any date, under the Trust Agreement, except: (i) Bonds surrendered for exchange or registration of transfer and cancelled or cancelled because of payment or redemption on or prior to such date; (ii) Bonds (or the portions thereof) for the payment, redemption or purchase for cancellation of which sufficient moneys have been deposited on or prior to such date with the Trustee or any Paying Agents (whether upon or prior to the maturity or redemption date of any such Bonds), or which are deemed to have been paid and discharged pursuant to the provisions of the Trust Agreement; provided that if such Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee, and provided further that if such Bonds are to be purchased for cancellation, a firm offer for sale stating the price has been received and accepted; and (iii) lost, stolen, mutilated or destroyed Bonds in lieu of or in exchange for which others have been authenticated (or payment of which, when due, is made without replacement) under the Trust Agreement; provided, however, that in determining whether the Holders of the requisite principal amount of Outstanding Bonds shall have given any request, demand, authorization, direction, notice, consent or waiver under the Trust Agreement, Bonds owned by the City shall be disregarded and deemed not to be Outstanding. On the date of introduction of this WPC Refunding Ordinance, the following Bonds are Outstanding: Series 2016 Bonds (currently outstanding in the amount of $27,350,000) and Series 2024 Bonds (currently outstanding in the amount of $29,675,000).

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

"Refunding Bonds" means the obligations authorized by this WPC Refunding Ordinance to be issued in one or more Series as Additional Bonds under the Trust Agreement for the purpose of (i) refunding one or more Series of Outstanding Bonds, or designated maturities thereof, or one or more Series of Refunding Bonds or (ii) purchasing all or a portion of one or more Series of Outstanding Bonds or one or more Series of Refunding Bonds pursuant to a Tender and/or Exchange Program in accordance with Section 10.

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

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

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

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

Section 2. *Authorization of the Refunding Bonds.*
This Council authorizes the City to issue the Refunding Bonds, from time to time, in one or more Series for the purpose or purposes of (i) refunding one or more Series of Outstanding Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings of at least three percent (3%), or (ii) refunding, refinancing or restructuring of one or more Series of Outstanding Bonds, or designated portions thereof, to (a) obtain debt service savings to the City pursuant to a Tender and/or Exchange Program in accordance with Section 10, (b) eliminate or modify covenants that are unduly restrictive, or (c) otherwise to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Bonds, or designated portions thereof, on the further basis that the Director of Finance has determined, based on the written advice of a Municipal Advisor, that such Outstanding Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 4 and determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be necessary, as applicable (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to refund, refinance or restructure the Outstanding Bonds purchased pursuant to a Tender and/or Exchange Program to be refunded, refinanced or restructured by that Series, (iii) to fund any deposit to the Debt Service Reserve Fund required under the Trust Agreement or any special reserve fund for that Series separate from the Debt Service Reserve Fund, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under Hedge Agreements and (vi) to pay costs of issuing the Refunding Bonds and refunding, refinancing or restructuring the Refunded Bonds. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 5.

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

Section 3. *Variable Rate Refunding Bonds.*
In the event that a Series of Refunding Bonds bear interest at variable interest rates, then the Director of Finance is authorized to determine the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that Series shall be determined, whether by reference to a market index, by a remarketing agent or

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

Section 4. *Award and Sale of Refunding Bonds.*
The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the Original Purchaser selected by the Director of Finance and identified in the Certificate of Award. In the case of Refunding Bonds to be underwritten in a public offering, the Director of Finance shall select the Original Purchaser based on his evaluation, in consultation with a Municipal Advisor, of the qualifications and relevant experience of firms that have proposed to underwrite the Refunding Bonds. Alternatively, the Director of Finance may determine, in consultation with a Municipal Advisor, that more advantageous terms for the Refunding Bonds may be obtained by the private placement of the Refunding Bonds with an investor or investors (including financial

institutions) purchasing for their own account and not for resale, in which case the Director of Finance may designate such investor or investors as the Original Purchaser. In addition, each Certificate of Award shall determine the following, based on the written advice of a Municipal Advisor, consistent with this WPC Refunding Ordinance and the Trust Agreement:

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

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

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

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

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

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

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

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

shall be provided in lieu of cash in the Debt Service Reserve Fund or such special reserve fund;

(i) the Paying Agent;

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

(k) whether the refunding, refinancing or restructuring of all or a portion of the Outstanding Bonds will be accomplished through a Tender and/or Exchange Program.

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

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

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

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

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

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

(d) to the Trustee, for deposit to the credit of the Contingency Fund, any amount identified in the Certificate of Award as required to be deposited in the Contingency Fund from the proceeds of the Refunding Bonds;

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

(f) to the Trustee, for the purchase of all or a portion of one or more Series of Outstanding Bonds or one or more Series of Refunding Bonds pursuant to a Tender and/or Exchange Program;

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

(h) to the Costs of Issuance Fund, to be created under the applicable Supplemental Trust Agreement, such amounts as are needed to pay costs of issuing the Refunding Bonds and refunding, refinancing or restructuring the Refunded Bonds.

Provision shall be made in the Supplemental Trust Agreements for the application of any amounts held in the funds and accounts established under the Trust Agreement and no longer required for the security of Outstanding Bonds as a result of the Refunded Bonds' no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provisions may be made in the Supplemental Trust Agreements for the creation of separate accounts within the funds established under the Trust Agreement or Supplemental Trust Agreements or the creation of separate accounts necessary to carry out the provisions of this WPC Refunding Ordinance.

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

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

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

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

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

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

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

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

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

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

Section 7. *Authorization of Supplemental Trust Agreement; Escrow Agreement*. In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized to sign and deliver to the Trustee, in trust for the Original

Purchasers and subsequent holders of each Series of the Refunding Bonds, one or more Supplemental Trust Agreements, approved as to form by the Director of Law, not inconsistent with this WPC Refunding Ordinance, the Certificate of Award and the Trust Agreement, and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Trust Agreement is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Trust Agreement by those officers. Subject to the Master Trust Agreement as theretofore amended, any Supplemental Trust Agreement may contain amendments to the Master Trust Agreement, as theretofore amended, or amend and restate the Master Trust Agreement, to permit the City to obtain a Credit Support Instrument or to permit increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Municipal Advisor, to be in the best interests of the City.

In order to cause the proceeds of each Series of Refunding Bonds, and any funds of the City deposited in an Escrow Fund or in the Debt Service Fund, to be invested as permitted under Section 18 of the General Bond Ordinance so that the Refunded Bonds are deemed paid and discharged pursuant to Article VIII of the Master Trust Agreement, and in order to cause the amount to be deposited to be dedicated and applied to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the applicable redemption date, the Director of Finance is authorized to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form by the Director of Law, providing for the establishment of each Escrow Fund as a trust fund in the custody of the Trustee, and for the investment, dedication and application of the moneys deposited in the accounts therein, and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the Refunded Bonds identified in the applicable Certificate of Award to be called for redemption prior to maturity and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Trust Agreement. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish the refunding of Refunded Bonds, including without limitation, the retention of an independent public accounting firm to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates and interest payment dates, and bear such interest, as will be sufficient, together with any cash in an Escrow Fund, for the payment of debt service on the Refunded Bond to which the Escrow Fund relates and to make any determinations required for the interest on the Refunding Bonds to be excluded from gross income for federal income tax purposes.

Section 8. *Rebate Fund.*
There is established and ordered to be maintained a separate account for each Series of Refunding Bonds that are Tax-Exempt Obligations within the Rebate Fund held in the custody of the Trustee under the Trust Agreement. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Trust Agreement as security for the Refunding Bonds or the Outstanding Bonds. Calculations of

excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Trust Agreement.

Section 9. *Remarketing*.
In the event that the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is advantageous to the City to convert the interest on any short-term or variable rate Outstanding Bonds or Refunding Bonds to fixed interest rates for a period of time or to maturity, or to convert the interest on any short-term or variable rate Outstanding Bonds or Refunding Bonds to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Bonds or Refunding Bonds under the Trust Agreement (any such conversion or other action or tender or remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the Trust Agreement. In connection with any remarketing of Bonds, the Director of Finance is authorized to take such actions that he determines, based on the written advice of a Municipal Advisor, will facilitate the remarketing of the Bonds or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Bonds in lieu of a public offering of the Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Municipal Advisor, that it is necessary to supplement or amend the Supplemental Trust Agreement applicable to a Series of Bonds to be remarketed in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or otherwise obtain financing arrangements advantageous to the City, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized to sign and deliver an amendment of that Supplemental Trust Agreement, or an amended and restated Supplemental Trust Agreement, approved as to form by the Director of Law, subject to the Master Trust Agreement as theretofore amended.

The Director of Finance is further authorized to satisfy any Debt Service Reserve Requirement or any special reserve fund requirement for the Series of Bonds to be remarketed, by the deposit of a Credit Support Instrument in lieu of cash, as permitted and more specifically provided in the Trust Agreement, and to apply cash released from the Debt Service Reserve Fund or such special reserve fund to the payment of costs of remarketing or other purposes permitted by applicable laws. To the extent the costs of remarketing are not paid from any cash released from the Debt Service Reserve Fund or such special reserve fund, those costs shall be paid from funds of the Division of Water Pollution Control, which are appropriated for that purpose.

The Director of Finance and the Director of Public Utilities are authorized to prepare one or more disclosure documents in connection with any remarketing of Bonds under the same terms and conditions as set forth in Section 14 of this WPC Refunding Ordinance with respect to the issuance of Refunding Bonds. The Director of Finance, the Director of Public Utilities or any other officer of the City, as appropriate under the Charter, is

authorized to take such actions or cause to be taken such actions, as are necessary to maintain the applicable tax status of such Bonds, and the covenants and authorizations in Section 12 of this WPC Refunding Ordinance shall apply to such Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of any Bonds, and to take all actions necessary to effect the remarketing of any Bonds under the terms of this WPC Refunding Ordinance and the Trust Agreement. The Clerk of Council, or other appropriate official of the City, shall furnish the Trustee a true transcript of proceedings, certified by the Clerk or other official, of all proceedings had with reference to the remarketing of any Bonds along with such information for the records as is necessary to determine the validity of the remarketing.

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

Section 11. *Authorization of Hedging Arrangements.*
This Council finds that by engaging in interest rate hedging arrangements with respect to Bonds, the City may reduce its cost of borrowing by optimizing the relative amounts of its fixed and variable rate obligations, or minimizing the risk of variations in its debt service

costs, or obtaining savings by confirming rates of interest on Bonds in advance of their issuance. To permit the City to have the flexibility to undertake with respect to Bonds interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements, including amendments or supplements to existing agreements (each, a "Hedge Agreement"), and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to, and not in derogation of, any authority provided by any other ordinance of this Council concerning hedging arrangements.

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

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

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

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

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

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

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

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

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

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

(a) of Section 103 of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

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

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

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

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

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

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

Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates regarding the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

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

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

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

The Director of Finance is also authorized, notwithstanding any other previously imposed limitations on redemption provisions for such Outstanding Bonds, to enter into

agreements with any holder of any Outstanding Bonds to extend, in consideration of payment, the earliest optional redemption date of those Bonds, provided that the Director of Finance receives written advice of a Municipal Advisor that the consideration being received by the City fairly compensates the City for such extension of the redemption date. Any amounts received with respect to such extensions shall be deposited in the Construction Fund or Revenue Fund.

Section 16. *Incorporation of General Bond Ordinance Covenants and Requirements.* This Series 2025 Bond Ordinance hereby incorporates all covenants and requirements of the General Bond Ordinance insofar as applicable to any Refunding Bonds.

Section 17. *Other Provisions for Payment of Outstanding Bonds.* The City may, from time to time, deposit legally available funds, other than the proceeds of Bonds issued for that purpose, in trust with the Trustee under the Trust Agreement or an Escrow Agreement, for the payment of debt service requirements on any Outstanding Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Municipal Advisor, doing so will improve the debt service coverage ratio of the System (being the ratio of Net Revenues Available for Debt Service to Debt Service on all Bonds then Outstanding). The Director of Finance is authorized to make such deposits, from time to time, from moneys in the Contingency Fund or the Balance Subfund under the Trust Agreement, with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest, and any redemption premium on the designated Outstanding Bonds, as and when due at maturity or upon prior redemption, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the Escrow Agreement. The officers signing the Escrow Agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the Escrow Agreement by those officers. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Bonds.

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

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

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

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

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

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

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

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

Section 26. *Emergency.*
This WPC Refunding 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.

Referred to the 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, May 19, 2025, 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. 660-2025

Ord. No. 661-2025

Ord. No. 668-2025

Ordinance No. 660-2025

By Council Member: Griffin

An emergency ordinance authorizing the Clerk of Council to enter into a license agreement with DIY Productions LLC for temporary use of the Council Chamber for filming certain scenes of a movie, and repealing Ordinance No. 535-2025, passed April 21, 2025.

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 a license agreement with DIY Productions LLC (Company), for temporary use of the Council Chamber (Chamber) to film certain scenes of a movie. Company shall use the Chamber on June 20, 2025, for no longer than six hours, including set up and dismantling of equipment.

The Company shall maintain general liability insurance in the amount of not less than One Million Dollars ($1,000,000) per occurrence, and identify the City of Cleveland, its officers, employees and agents as additional insured. The license agreement shall contain such other terms and conditions necessary to protect and benefit the public interest.

Section 2. That Ordinance 535-2025, passed April 21, 2025, is repealed.

Section 3. 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 Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 661-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance approving the collective bargaining agreement with the Fraternal Order of Police, Lodge No. 8 (F.O.P.); and to amend Section 54 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to compensation 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 under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Fraternal Order of Police, Lodge No. 8 (F.O.P.), under the terms contained in **File No. 661-2025-A**, for the period from April 1, 2025, through March 31, 2028, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
3%	April 1, 2025
3%	April 1, 2026
3%	April 1, 2027

Section 2. That Section 54 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 952-2022, passed September 19, 2022, and Ordinance No. 1302-2023, passed November 27, 2023, is amended to read as follows:

Section 54. Fraternal Order of Police, Lodge No. 8 (F.O.P.) The annual salaries of persons appointed to the following ranks of the Division of Police shall be fixed by the appointing authority within the limits established in the following schedules:

	Classification	~~**Minimum**~~	**Minimum**	~~**Maximum**~~	**Maximum**
1	Commander of Police	~~121,934.50~~	156,878.65	~~153,558.77~~	167,797.81
2	Commissioner of Traffic Control	~~121,934.50~~	156,878.65	~~153,558.77~~	167,797.81
3	Captain	~~105,046.98~~	135,171.25	~~132,378.25~~	144,653.28
4	Lieutenant	~~90,488.78~~	116,457.98	~~114,119.18~~	124,701.11
5	Sergeant	~~77,938.60~~	100,325.84	~~98,378.61~~	107,500.96

Section 3. That existing Section 54 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 952-2022, passed September 19, 2022, and Ordinance No. 1302-2023, passed November 27, 2023, is repealed.

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.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 668-2025

By Council Members: Starr and Maurer

An emergency ordinance to amend Section 1 of Ordinance No. 181-2025, passed February 10, 2025, relating to a First Amendment Agreement with University Settlement Incorporated for 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 Section 1 of Ordinance No. 181-2025, passed February 10, 2025, is amended to read as follows:

> Section 1. That the Director of the Department of ~~Public Works~~ Community Development is hereby authorized to enter into agreement with University Settlement, Incorporated for the University Settlement Hunger Center for the public purpose of providing a food distribution site to residents through the use of Wards 5 and 12 Casino Revenue Funds.

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 Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinances and Resolutions

First Reading 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, May 19, 2025, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

Ord. No. 670-2025

Ordinance No. 670-2025

By Council Member: Howse-Jones

An ordinance changing the Use, Area, and Height Districts of parcels of land north and south of Payne Avenue between East 32nd Street and East 38th Street, as shown on the attached map (Map Change 2692).

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

Section 1. Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, that the Use, Area, and Height Districts of lands bounded and described as follows:

Beginning at the intersection East 36th (formerly Douglass) Street and Payne Avenue;

Thence, southerly along the centerline of East 36th Street to its intersection with the centerline of Webster Court;

Thence, southwesterly and westerly along the centerline of Webster Court to its intersection with the centerline of East 33rd (formerly Everett) street;

Thence, northerly along the centerline of East 33rd Street to its intersection with the centerline of Payne Avenue;

Thence, southwesterly along the centerline of Payne Avenue to its intersection with the centerline of East 33rd Street;

Thence, northwesterly along the centerline of East 33rd Street to its intersection with the southwesterly prolongation of the southerly line of a parcel of land known as being the southerly twenty-five (25) feet of Sublot No. 28 and the northerly ten (10) feet of Sublot Not. 29 in Marianne B. Sterling's Subdivision of part of Original Ten Acre Lot No. 116, as shown by the recorded plat in Volume 2 of Maps, Page 50 Cuyahoga County Records and more commonly known as Permanent Parcel Number (PPN) 102-29-061;

Thence, northeasterly along said southerly line to its intersection with the southeasterly prolongation of the easterly line thereof;

Thence, southeasterly along said line to its intersection with the southerly line of Sublot No. 140 in James M. Hoyt and others allotment of part of Original Ten Acre Lots Nos. 117, 118, and 119, as shown by the recorded plat in Volume 1 of Maps, Page 33 of Cuyahoga County Records and more commonly known as PPN 102-29-105;

Thence, northeasterly along said southerly line and its northeasterly prolongation to its intersection with the centerline of East 34th Street;

Thence, southeasterly along the centerline of East 34th Street to its intersection with the centerline of Payne Avenue;

Thence, northeasterly along the centerline of Payne Avenue to its intersection with the centerline of East 36th Street and the point of origin;

And as identified on the attached map shall be changed to a Limited Retail Business District, a 'G' Area District and a '2' Height District.

Section 2. That a Mapped Building Setback of zero (O) feet from the property line shall be established along the northerly side of Payne Avenue between East 32nd Street and East 38th Street;

And;

That a Mapped Building Setback of zero (0) feet from the property line shall be established along the southerly side of Payne Avenue between East 32nd Street and East 37th Street;

And as identified on the attached map, a zero (0) foot Mapped Building Setback from the property line is hereby established on the Building Zone Maps of the City of Cleveland.

Section 3. That a Mapped Building Setback of three (3) feet from the property line shall be established along the westerly side of East 36th Street between Payne Avenue and Webster Court;

And;

That a Mapped Building Setback of three (3) feet from the property line shall be established along the eastly side of East 33rd Street between Payne Avenue and Webster Court;

And;

That a Mapped Building Setback of three (3) feet from the property line shall be established along the easterly side of East 33rd Street between Payne Avenue and the northerly line of a parcel of land known as being in Marianne B. Sterling's Subdivision, of part of Original Ten Acre Lot No. 116, as shown by the recorded plat in Volume 2 of Maps, Page 50 of Cuyahoga County Records and more commonly known as PPN 102-29-052;

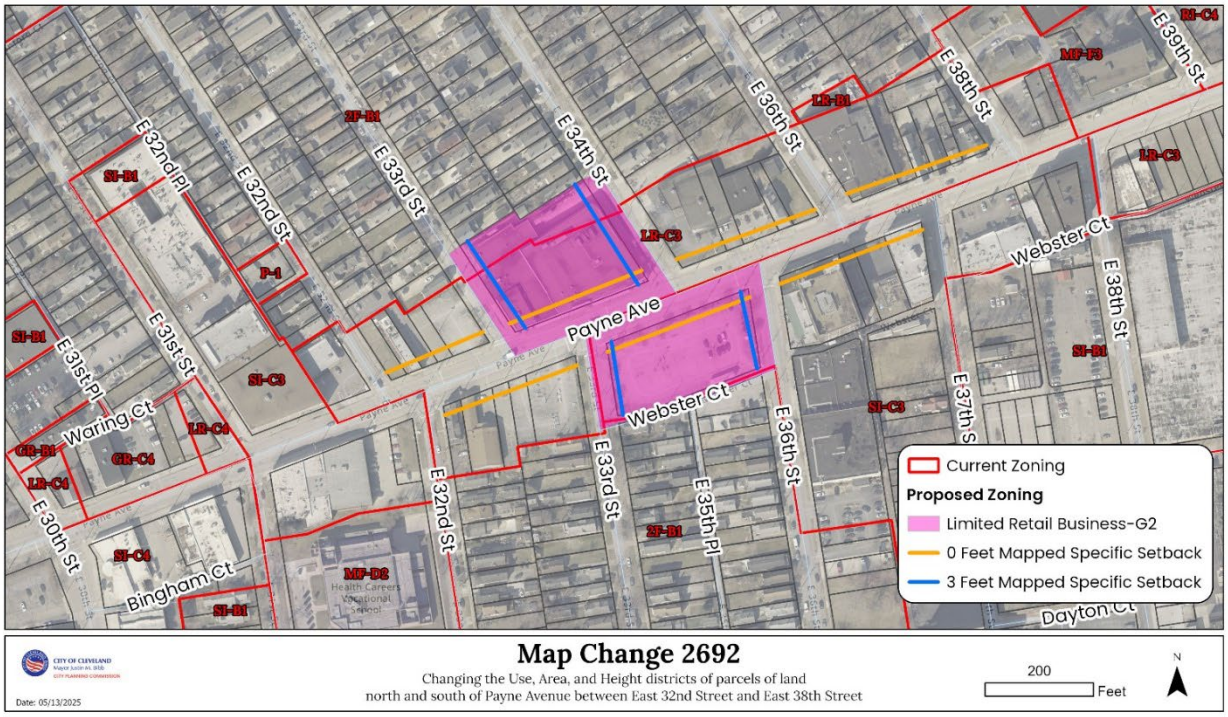
And;

That a Mapped Building Setback of three (3) feet from the property line shall be established along the westerly side of East 34th Street between Payne Avenue and the northerly line of the aforementioned PPN 102-29-052;

And as identified on the attached map, a three (3) foot Mapped Building Setback from the property line is hereby established on the Building Zone Maps of the City of Cleveland.

Section 4. That the change of zoning of lands described in Section 1 through Section 2 shall be identified as Map Change 2692, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Referred to the Directors of City Planning Commission; and Law; Committee on Development, Planning and Sustainability.

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, May 19, 2025, and referred to the appropriate City departments and Council Committees for review.

Click on a resolution below to read it:

Res. No. 663-2025

Res. No. 669-2025

Resolution No. 663-2025

By Council Member: Griffin (by departmental request)

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2026 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.

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 the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2026 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in **File No. 663-2025-A**.

Section 2. That the Clerk of Council is directed to certify a copy of the resolution to the County Auditor of Cuyahoga County.

Section 3. 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 the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Resolution No. 669-2025

By Council Member: Spencer, Hairston and Griffin (by departmental request)

An emergency resolution approving the creation of the Gordon Square Arts District - Cleveland Improvement District as a Special Improvement District in the City; accepting petitions from owners of property in the District; approving a new plan for public services; declaring it necessary to provide maintenance, security, marketing, and other services for the District; and providing for the assessment of the cost of such work upon benefited properties in the District; and declaring an emergency.

WHEREAS, Chapter 1710 of the Ohio Revised Code ("Revised Code") authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipality for the purpose of developing and implementing plans for public improvements and public services that benefit the district; and

WHEREAS, owners of at least sixty percent (60%) of the front footage of all real property located in the Gordon Square Arts District - Cleveland Improvement District (the "District") that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the District, excluding certain property as provided in division (E) of Section 1710.02 of the Revised Code, have signed petitions ("Petitions") requesting that the City of Cleveland ("City") re-create the District as described in this ordinance; and

WHEREAS, the District is governed by the Gordon Square Arts District - Cleveland Improvement Corporation ("Corporation"), an Ohio nonprofit corporation formed under Chapters 1702 and 1710 of the Revised Code; and

WHEREAS, under division (F) of Section 1710.02 of the Revised Code, the petitioners have proposed a new plan for public services benefitting all of the District (the "Plan"), and have submitted the Plan as part of the Petitions proposing the re-creation of the District; and

WHEREAS, the Petitions have been submitted to the municipal executive ("Mayor") and the legislative authority (Cleveland City Council, or "Council") of the City; and

WHEREAS, under division (E) of Section 1710.02 of the Revised Code, the City has sixty (60) days to approve or disapprove the Petitions by resolution; 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 the Petitions are accepted and approved and are placed in **File No. 669-2025-A**.

Section 2. That, under Chapter 1710 of the Revised Code, the District is hereby created with approximate boundaries as follows:

Consisting of Detroit Avenue, between West 58th and West 73rd Streets, as well as a portion of the west sides of both West 65th and 67th Streets, as shown in map placed in the above-mentioned file, to include active store fronts along those sides of West 65th and 67th Streets.

Section 3. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide maintenance, security, marketing, and additional permitted services for the District for a five-year period commencing January 1, 2026.

Section 4. That it is determined that the properties contained within the District will be specially benefited by the above-described public services and shall be assessed to pay for the cost of the services, calculated in proportion to the benefits that may result from the services.

Section 5. That the Plan placed in the above-mentioned file is approved at an estimated cost of $831,428.41.

Section 6. That the entire cost of the Plan will be paid by special assessment of the properties in the District levied in proportion to the benefits that may result from the services within the District. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances; the costs incurred in connection with the preparation, levy, and collection of the special assessments; the expenses of legal services; the cost of all labor and materials; and all other necessary expenditures allowed by law.

Section 7. That the special assessments are to be assessed against the properties commencing in tax year 2025, for collection in 2026, and shall continue through tax year 2029, for collection in 2030; provided, however, if the proceedings relating to the special assessments are completed at such time that the County Fiscal Officer of Cuyahoga County, Ohio, determines that collections shall not commence in 2026, then the collection schedule may be deferred by one (1) year. The special assessments shall be assessed in each calendar year in the amount, manner, and number of installments as provided for in this resolution and/or as equalized by the Assessments Equalization Board, as defined in Section 727.16 of the Revised Code.

Section 8. That no notes or bonds of the City shall be issued in anticipation of the levy or collection of the special assessments.

Section 9. That the Commissioner of Assessments and Licenses of the City is authorized to prepare and separately file with the Clerk of Council an estimated special

assessment for each lot or parcel of land to be assessed, which are based on the estimated cost of the Plan. After the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this resolution and the amounts of estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 10. That payment for the assessments shall be due in each of the years 2026, 2027, 2028, 2029, and 2030; unless collection is deferred by one year as indicated in Section 7.

Section 11. That the assessments to be levied shall be certified to the County Fiscal Officer to be placed on the tax duplicate and collected the same as other taxes, as provided by law. The City shall be under no duty or obligation to separately bill or collect from property owners any amounts of special assessments provided for herein.

Section 12. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 13. That, pursuant to Section 727.12 of the Revised Code, this resolution of necessity requires the affirmative vote of three-fourths of all the members elected to Council for passage.

Section 14. 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 the Directors of City Planning Commission; Finance; and Law; Committees on 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, May 19, 2025, 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. 662-2025

Res. No. 680-2025

Resolution No. 662-2025

By Council Member: Griffin

An emergency resolution withdrawing objection to a NEW C2 Liquor Permit at 12204 Larchmere Boulevard, and repealing Resolution No. 302-2025 objecting to said permit.

WHEREAS, this Council objected to a New C2 Liquor Permit to Honeybirch Limited LLC., DBA: The Honeybirch Bakehouse, 12204 Larchmere Boulevard, Cleveland, Ohio 44120, Permit No. 3953986, by Resolution No. 302-2025, adopted by the Council on March 3, 2025; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the New C1 Liquor Permit to Honeybirch Limited, LLC., DBA: The Honeybirch Bakehouse, 12204 Larchmere Boulevard, Cleveland, Ohio 44120, Permit No. 3953986, be and the same is hereby withdrawn and Resolution No. 302-2025, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Resolution No. 680-2025

By Council Member: Griffin

An emergency resolution approving the appointment of Imoh Umosen to the Community Police Commission.

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; 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 hereby approves the appointment of Imoh Umosen to the Community Police Commission to the term ending December 5, 2026.

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 Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

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, May 19, 2025, 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. 531-2025

Ord. No. 534-2025

Ord. No. 558-2025

Ord. No. 559-2025

Ord. No. 598-2025

Ord. No. 599-2025

Ord. No. 606-2025

Ord. No. 615-2025

Ordinance No. 531-2025

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, computer software developers, or vendors, or one or more firms of consultants, computer software developers, or vendors necessary to provide an airport runway incursion prevention and management system and related services, for a period of one year, with a one-year option to renew, exercisable by the Director 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 Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 534-2025

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

An emergency ordinance authorizing the purchase by one or more contracts for friction measuring equipment, including training, software and installation, for the Division of Airports, 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 Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 558-2025

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

An emergency ordinance authorizing the Director of Finance, on behalf of the Office of Prevention, Intervention, and Opportunity for Youth and Young Adults, to enter into one or more contracts with Karamu House to provide the Out-of-School-Time theater arts program, for a period of twelve months, with two one-year options to renew, exercisable by the Director of Finance.

Approved by the Directors of Finance; and Law; Committees on Health, Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 559-2025

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

An emergency ordinance authorizing the Director of Finance, on behalf of the Office of Prevention, Intervention, and Opportunity for Youth and Young Adults, to enter into one or more contracts with Rhonda Crowder & Associates L.L.C. for providing the Out-of-School-Time marketing program, for a period of twelve months, with two one-year options to renew, exercisable by the Director of Finance.

Approved by the Directors of Finance; and Law; Committees on Health, Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 598-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance to make additional appropriations of Thirteen Million Six Hundred Eighty-Eight Dollars ($13,688,000) to the General Fund and Five Million Dollars ($5,000,000) to the Internal Service Fund.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 599-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance to amend Section 185.41 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 794-03, passed June 10, 2003, relating to terms of payment.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 606-2025

By Council Member: Griffin

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase computers from Dell Computer Corporation for Cleveland City Council and the Clerk of Council through its State Term Contract.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 615-2025 AS AMENDED

By Council Member: Griffin (by departmental request)

An emergency ordinance authorizing the Director of Finance to employ one or more consultants to provide a city-wide financial planning and policy development strategy and implementation program, on an as-needed basis, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. Insert new Section 3 to read as follows:

   "Section 3. The Director of Finance shall provide all members of Cleveland City Council with an annual report describing all services provided under the contract or contracts authorized under this Ordinance.".

2. Renumber existing Sections 3, 4, and 5 to new "Section 4", "Section 5" and "Section 6".

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

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, May 19, 2025, 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. 498-2025

Ord. No. 501-2025

Ord. No. 567-2025

Ord. No. 623-2025

Ordinance No. 498-2025

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

An ordinance authorizing the Mayor and the Commissioner of Purchases and Supplies to sell certain City-owned properties no longer needed for the City's public use located in the vicinity of the I-90 Central Interchange from East 9th Street to Carnegie Avenue for the purpose of constructing improvements to the interchange.

Approved by the 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.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 11. Nays 1.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Spencer.

Voting Nay: Slife.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Passed as a Non-Emergency measure.

Ordinance No. 501-2025

By Council Member: McCormack

An ordinance changing the Use, Area and Height District of parcels of land along the western side of West 26th Street south of Chatham Avenue and north of Monroe Avenue as shown on the attached map (Map Change 2689).

Approved by the Directors of City Planning Commission; and Law; Committee on Development, Planning and Sustainability.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 567-2025

By Council Member: McCormack

An ordinance changing the Use, Area, and Height Districts of parcels of land north and south of Lorain Avenue between West 32nd Street and Columbus Road as shown on the attached map (Map change 2670).

Approved by the Directors of City Planning Commission; and Law; Committee on Development, Planning and Sustainability.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Ordinance No. 623-2025 AS AMENDED

By Council Member: Griffin (by departmental request)

An ordinance authorizing the Director of Finance to enter into one or more contracts with Mr. Scott Loomis, for professional services necessary to develop a succession management plan, train employees, and consult on such additional matters necessary to efficiently run and manage the City's printing for the Division of Printing and Reproduction, Department of Finance, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the Title, line 10, and in Section 1, line 7, strike "by the Director of Finance" and insert "with additional legislative authority." in both places.

2. In Section 3, line 2, strike "01-1508-6320", and insert "70 SF 301".

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 11. Nays 1.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Spencer.

Voting Nay: Slife.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Passed as a Non-Emergency measure.

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, May 19, 2025, 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. 611-2025

Resolution No. 611-2025

By Council Members: Conwell and Slife

An emergency resolution recommending that the Bibb administration provide a diaper changing station in every men's, women's and family restroom located in City-owned facilities.

Approved by the Director of Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Bishop to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Slife.

The rules were suspended. Yeas 12. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 12. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Jones, Kelly, Maurer, Polensek, Santana, Slife, Spencer.

Voting Nay: None.

Absent: Griffin, Howse-Jones, Kazy, McCormack. Starr.

Official Proceedings
Adjournment
City Council

Cleveland, Ohio
Monday, May 19, 2025

MOTION

On the motion of Council Member Bishop, the absences of Council Members Blaine A. Griffin, Stephanie D. Howse-Jones, Brian Kazy, Kerry McCormack, and Richard A. Starr are hereby authorized. Seconded by Council Member Slife.

MOTION

The Council Meeting adjourned at 8:29 p.m. to the call of the chair. The next Council Meeting will be on Monday, June 2, 2025, at 7:00 p.m. in the Council Chamber.

Allan Dreyer
Deputy Clerk, Clerk of Council Pro Tempore

Council Committee Meetings

Monday, May 19, 2025
9:30 a.m.

Health, Human Services and the Arts Committee
Present: Conwell, Chair; Maurer, Vice Chair; Gray, Harsh
Authorized Absence: Howse-Jones, Slife, Starr

2:00 p.m.

Finance, Diversity, Equity and Inclusion Committee
Present: Santana, Chair, Bishop, Conwell, Hairston, Polensek, Spencer
Authorized Absence: Griffin, McCormack, Kazy
Also Present: Slife

Tuesday, May 20, 2025
9:30 a.m.

Development, Planning and Sustainability Committee
Present: Hairston, Chair; Harsh, McCormack, Slife, Spencer
Authorized Absence: Howse-Jones, Santana
Also Present: Jones

Wednesday, May 21, 2025
9:30 a.m.

Safety Committee
Present: Polensek, Chair; Gray, Kazy, Kelly, Slife
Authorized Absence: Howse-Jones, Starr

Board of Control

Wednesday, May 21, 2025

The meeting of the Board of Control convened in the Mayor's office on Wednesday, May 21, 2025, at 3:05 p.m., with Acting Director Michele Comer presiding.

Members Present:	Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols
Absent:	Mayor Bibb; Directors McNair, McNamara, Wemet
Others Present:	Tiffany White Johnson, Commissioner Division of Purchases & Supplies
	Trudy Andrzejewski, Neighborhood Revitalization Bureau Chief Community Development
	Abby Henry, Project Specialist Mayor's Office
	Tomasz Kacki, Paralegal Law Department

On motions, the resolutions attached were adopted, except as may be otherwise noted.

There being no further business, the meeting was adjourned at 3:14 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 240-25 Adopted 5/21/25
By Director Keane

REQUIREMENT CONTRACT

BE IT RESOLVED, by the BOARD of CONTROL of the CITY OF CLEVELAND that all bids received on March 22, 2025, for Labor and Materials Necessary to Inspect, Test and Repair Bucket and Derrick Trucks, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 1054-24, passed November 4, 2024, are rejected.

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 241-25 Adopted 5/21/25
By Director Keane

REQUIREMENT CONTRACT

BE IT RESOLVED, by the BOARD of CONTROL of the CITY OF CLEVELAND that all bids received on April 30, 2025, for Precast Concrete Manholes and Accessory Items 2025, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 242-25 Adopted 5/21/25
By Director Keane

PUBLIC IMPROVEMENT CONTRACT

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 of Lee Road Area Phase I - Jo Ann Drive Sanitary Relief Sewer Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on April 17, 2025, 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$ 1,801,729.99, 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 Terrace Construction Company, Inc. for the above-mentioned public improvements is approved:

Subcontractor	**Work**	**Percentage**
Carr Bros., Inc. (CSB)	$410,275.00	22.77%
Filling Development (CSB)	$ 32,730.00	01.82%
KOPE Construction LLC (CSB/FBE)	$101,590.00	05.64%
Trafftech, Inc. (CSB/FBE)	$ 1,590.00	00.09%
D. Crawford (Non-certified)	TBD	00.00%

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 243-25 Adopted 5/21/25
By Director Keane

PUBLIC IMPROVEMENT 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 East 27th Street Sewer Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on April 17, 2025, under the authority of Ordinance No. 551-2024, passed by the Council of the City of Cleveland on November 4, 2024, upon a unit basis for the improvement, in the aggregate amount of $880,035.20, 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 Perk Company, Inc. for the above-mentioned public improvements is approved:

Subcontractor	**Work**	**Percentage**
Cuyahoga Supply & Tool (CSB/FBE)	$ 36,577.20 (60% supplier)	04.15%
LTC Trucking LLC (CSB/FBE)	$ 12,568.20 (60% supplier)	01.43%
LTC Trucking LLC (CSB/FBE)	$30,000.00	03.41%
Nosan Trucking Co. (CSB/FBE)	$ 74,580.00 (60% supplier)	08.47%
PGT Construction (CSB/FBE)	$ 35,000.00	03.97%
The Vallejo Company (CSB/FBE)	$ 78,600.00	08.93%

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 244-25 Adopted 5/21/25
By Director Keane

BE IT RESOLVED, by the BOARD of CONTROL of the CITY OF CLEVELAND that all bids received on May 1, 2025, for Orthophosphoric Acid, all items, for the Division of Water, Department of Public Utilities, under the authority of Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 245-25 Adopted 5/21/25
By Director Keane

PUBLIC IMPROVEMENT CONTRACT

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

Kokosing Industrial, Inc.

except for such terms and conditions as are unacceptable to the Director of Law, for the public improvement of Baldwin Filter Underdrains II, all items including contingency allowance, under the authority of Ordinance No. 1430-2019, passed December 2, 2019, upon a unit price for the improvement in the aggregate amount of $16,991,700.00, for the Department of Public Utilities, received on April 17, 2025, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Kokosing Industrial, Inc. for the above-mentioned public improvement is approved:

Subcontractor	**Work**	**Percentage**
R.L. Cole Enterprise, Inc. (MBE)	$499,000.00	2.94%
Creekside Landscape Services LLC (MBE)	$ 21,843.75	0.13%
JADCO Construction Services, Inc. (FBE)	$100,000.00	0.06%
Guist Decorators, Inc. (non-certified)	$683,960.00	0.00%
The Peter Hasek Glass Co., Inc.(non-certified)	$ 6,600.00	0.00%
Terracon Construction, Inc.(non-certified)	$ 49,235.00	0.00%
Herbst Electric Company (non-certified)	$ 78,950.00	0.00%
Multivista Systems LLC (non-certified)	$ 17,500.00	0.00%
Precision Environmental Company (non-certified)	$ 140,000.00	0.00%

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 246-25 Adopted 5/21/25
By Director Francis

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subconsultants by C&K Industrial Services, Inc., under City Contract No. PS2023*0281, to provide professional environmental services necessary to comply with local, state and federal requirements necessary to maintain operating status and to avoid serious penalties for non-compliance, for the Department of Port Control, authorized by Ordinance No. 692-2021, passed by the Council of the City of Cleveland on October 11, 2021, and Board of Control Resolution No. 430-23, adopted September 6, 2023, is approved.

Subconsultant	**Percentage**	**Amount**
Synto Network	TBD	TBD
Superior Waste	TBD	TBD

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 247-25 Adopted 5/21/25
By Directors Williams and Barrett

WHEREAS, Board of Control Resolution No. 439-24, adopted August 28, 2024, authorized the Directors of Public Works and Finance to enter into a concession agreement with AVI Food Systems, Inc., City Contract No. CT-7001-NF2025-0001, for operation of soft drink, candy, snack, and other vending machines, but excluding perishable cold food, located throughout various City-owned and City-leased buildings under the control of other City departments, for a period not to exceed two years, with a one-year option to renew, exercisable by the Directors of Public Works and Finance; and

WHEREAS, the City wishes to permit AVI Food Systems, Inc. to operate perishable cold food vending machines under the concession agreement authorized in Resolution No. 439-24; and

WHEREAS, to enable AVI Food Systems to operate perishable cold food vending machines under its concession agreement, the prohibition of cold-food vending machines in Resolution No. 439-24 must be omitted; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 439-24, adopted by this Board August 28, 2024, authorizing the Directors of Public Works and Finance to enter into a concession agreement with AVI Food Systems, Inc. for operation of soft drink, candy, snack, and other vending machines throughout various City-owned and City-leased buildings under the control of other City departments, is amended by deleting ", but excluding perishable cold food," where appearing in the resolution.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 439-24 not expressly amended above shall remain unchanged and in full force and effect.

BE IT FURTHER RESOLVED that the Directors of Public Works and Finance are authorized to enter into a first modification to City Contract No. CT-7001-NF2025-0001 with AVI Food Systems, Inc. to permit it to operate perishable cold food vending machines, as well as the vending machines previously authorized.

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 248-25 Adopted 5/21/25
By Directors Williams and Barrett

WHEREAS, Board of Control Resolution No. 439-24, adopted August 28, 2024, under the authority of Ordinance No. 103-2024, passed by the Cleveland City Council February 12, 2024, authorized the Directors of Public Works and Finance to enter into a concession agreement with AVI Food Systems, Inc., City Contract No. CT-7001-NF2025-0001, for operation of soft drink, candy, snack, and other vending machines, but excluding perishable cold food, located throughout various City-owned and City-leased buildings under the control of other City departments, for a period not to exceed two years, with a one-year option to renew, exercisable by the Directors of Public Works and Finance; and

WHEREAS, the City desires to make perishable cold food available in vending machines in City buildings; and

WHEREAS, to enable AVI Food Systems to operate perishable cold food vending machines under its concession agreement, it is necessary to amend both Resolution No. 439-24 and Contract No. CT-7001-NF2025-0001, by removing the exclusion of perishable cold food from the types of items for which AVI Food Systems was granted the privilege, permission, and license to operate a vending machine concession in various City buildings; and

WHEREAS, AVI Food Systems, Inc. wishes to obtain the City's consent to utilize Farmer's Fridge (Romaine Empire, Inc.) as a subcontractor for operation of perishable cold food vending machines under Contract No. CT-7001-NF2025-0001; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 439-24, adopted by this Board August 28, 2024, authorizing the Directors of Public Works and Finance to enter into a concession agreement with AVI Food Systems, Inc. for operation of soft drink, candy, snack, and other vending machines throughout various City-owned and City-leased buildings under the control of other City departments, is amended by deleting ", but excluding perishable cold food," where appearing in the resolution.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 439-24 not expressly amended above shall remain unchanged and in full force and effect.

BE IT FURTHER RESOLVED that the Directors of Public Works and Finance are authorized to enter into a first amendment to City Contract No. CT-7001-NF2025-0001, to remove the exclusion of perishable cold-food from the items for which AVI Food Systems is authorized to operate vending machines in City buildings and, further, to provide that AVI Food Systems, Inc. shall not be obligated to pay commissions to the City on sales attributed to Farmer's Fridge (Romaine Empire, Inc.)'s perishable cold food vending machines.

BE IT FURTHER RESOLVED that the employment by AVI Food Systems, Inc. of Farmer's Fridge (Romaine Empire, Inc.) as a subcontractor under City Contract No. CT-7001-NF2025-0001, is approved.

Subcontractor	**Certification for Credit**	**Amount**	**Percent**
Farmer's Fridge (Romaine Empire, lnc.)	Non-certified	$0.00	0.00%

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 249-25 Adopted 5/21/25
By Director Hernandez

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

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 143-19-130 located at 1771 Tarkington Avenue; and

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

WHEREAS, Joseph T. Jones has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

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

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Joseph T. Jones, for the sale and development of Permanent Parcel No. 143-19-130 located at 1771 Tarkington Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 250-25 Adopted 5/21/25
By Director Hernandez

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

WHEREAS, under the Program, the City has acquired Permanent Parcel Nos., 002-34-163, 003-35-083, 007-07-080 and 007-07-082 located at 1970 West 48th Street, Bridge Avenue, 3702 Siam Avenue, and 3624 Siam Avenue; and

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

WHEREAS, Near West Community Land Trust, Inc. has proposed to the City to purchase and develop the parcels for new residential development; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 3 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Near West Community Land Trust, Inc., for the sale and development of Permanent Parcel Nos., 002-34-163, 003-35-083, 007-07-080 and 007-07-082 located at 1970 West 48th Street, Bridge Avenue, 3702 Siam Avenue, and 3624 Siam Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcels shall be $800.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Resolution No. 251-25 Adopted 5/21/25
By Director Hernandez

WHEREAS, Ordinance No. 246-2025, passed April 14, 2025, by the Council of the City of Cleveland, authorizes the Directors of Parks and Recreation and Community Development, and the Commissioner of Purchases and Supplies, to enter into an agreement providing for the mutually beneficial exchange of real properties with the Board of Education of the Cleveland Municipal School District ("CMSD"), for public purposes, including the construction of the John F. Kennedy High School Athletic Stadium; and

WHEREAS, as part of the real property exchange, the City of Cleveland, through the Mayor and the Commissioner of Purchases and Supplies, will accept from the CMSD title to the real property commonly known as the former John F. Kennedy High School, and, by and at the direction of the Board of Control, will convey to the CMSD certain City of Cleveland Land Bank properties consisting of Permanent Parcel Nos. 108-30-062, 108-29-050, and 016-14-059, all as more fully described in the Ordinance; and

WHEREAS, the agreement(s) for and on behalf of the City of Cleveland shall include representations that the exchanges were conducted at no cost to either party according to Ohio Revised Code Section 3313.40, allowing for mutually beneficial property exchanges between a Board of Education and a municipal corporation; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that, under Ordinance No. 246-2025, passed April 14, 2025, the Mayor and the Commissioner of Purchases and Supplies are directed to convey the City's interests in Permanent Parcel Nos. 108-30-062, 108-29-050, and 016-14-059 to the CMSD, in the form and subject to such terms and conditions, including any restrictive or reversionary interests specified by the Board of Control or the Director of Law.

BE IT FURTHER RESOLVED that the conveyances shall be made by one or more official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland, and shall contain such additional provisions as are necessary to protect and benefit the City.

Yeas: Acting Director Comer; Directors Barrett, Keane, Francis; Acting Director Laird; Directors Margolius, Drummond; Acting Director Scott; Directors Cole, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors McNair, McNamara, Wernet

Report of the Board of Zoning Appeals

Monday, May 19, 2025

At the meeting of the Board of Zoning Appeals on Monday, May 19, 2025, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

Calendar No. 24-088: 11213 (aka 11311) Franklin Boulevard
Harp Realty Company, owner, and People's Choice Auto Serv. LLC., lessee, proposes to establish use as a heavy-duty truck (diesel and gas) repair shop in a B3 General-Industry District.

Calendar No. 25-007: 11309 (aka 11311) Franklin Boulevard
Harp Realty Co., owner, and MKH Liquidation and Surplus, lessee, propose to establish use as a furniture store in a B3 General-Industry District.

Calendar No. 25-077: 3228 East 55th Street
Ruth Lowe, owner, proposes to change use of a two-family residence to a three-family residence in a C2 General Retail Business District.

Calendar No. 25-078: 2304 West 19th Street (Granted Conditionally)
DI Development, LLC, owner, proposes to build a 20-foot by 20-foot wood frame accessory garage in a D2 Two-Family Residential District.

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

The following appeals were **WITHDRAWN:** **None.**

The following appeals were **DISMISSED:**

Calendar No. 25-074: 9613 Madison Avenue
Raul Torres, owner, proposes to establish use as a Bar and Night Club in Local Retail Business District.

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

The following cases were **POSTPONED:**

Calendar No. 21-108: TMS Enterprises
6809 Harvard Avenue. Postponed to June 9, 2025.

Calendar No. 24-172: Clover Court LTD.
2033 Clover Avenue. Postponed to September 8, 2025.

The following cases were heard by the Board of Zoning Appeals on Monday, May 12, 2025, and the decisions were adopted and approved on Monday, May 19, 2025:

The following appeals were Approved:

Calendar No. 24-033: 2439 Tremont Avenue
Michael Nance, owner, proposes to erect a three-and-a-half-story, single-family residence with attached garage and rooftop deck on a proposed 7,060 square foot lot in a C2 General Retail Business District.

Calendar No. 25-066: 9709 Miles Avenue
Kimberly McCallister, owner, proposes to establish a childcare center in a B1 Two-Family Residential District.

Calendar No. 25-071: 11101 (aka 11105) Lorain Avenue
CLE Ohio Properties LLC, owner, proposes to demolish an existing one-story building and construct a 1,596 square foot building to accommodate a four-bay auto repair shop adjacent to an existing car repair and auto sales in a Local Retail Business District.

Calendar No. 25-072: 3809 Clinton Avenue
Jason Rohal, owner, proposes to erect an open front porch and mudroom addition to an existing single-family residence in a B1 Two-Family Residential District.

Calendar No. 25-073: 11609 Corlett Avenue
Harold Price, owner, proposes a change of use from store to carry-out restaurant in C1 Multi-Family Residential District.

Calendar No. 25-075: 7306 Colgate Avenue
EJ Real Estate Holdings LLC, owner, proposes to establish an accessory surface parking lot in a B1 Two-Family Residential District.

The following appeals were Denied: None.

Public Notice

NOTICE OF PUBLIC HEARING

The Council of the City of Cleveland, Ohio (the "Council"), pursuant to Resolution 564-2025 duly adopted on April 28, 2025 (the "Resolution of Sufficiency"), has set the time and place for a hearing on the petition to add additional properties to the North Coast Waterfront New Community Authority, a community district established pursuant to Ohio Revised Code Chapter 349 (the "Petition").

The hearing will be held at 1:00 p.m. on May 29, 2025, at Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio 44114, in the Mercedes Cotner Council Committee Room 217. The Resolution of Sufficiency and the Petition are each on file in the offices of Cleveland City Council, located at 601 Lakeside Avenue, Room 220, Cleveland, Ohio 44114, and are available for inspection by interested persons during regular business hours.

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on Monday, May 12, 2025.

Click on a piece of legislation below to read it:

Ord. No. 243-2025
Ord. No. 325-2025
Ord. No. 327-2025
Ord. No. 328-2025
Ord. No. 329-2025
Ord. No. 331-2025
Ord. No. 332-2025
Ord. No. 384-2025
Ord. No. 424-2025
Ord. No. 426-2025
Ord. No. 432-2025
Ord. No. 433-2025
Ord. No. 463-2025
Ord. No. 464-2025
Ord. No. 465-2025
Ord. No. 490-2025
Ord. No. 492-2025
Ord. No. 527-2025
Ord. No. 528-2025
Ord. No. 529-2025
Ord. No. 532-2025
Ord. No. 550-2025
Ord. No. 608-2025
Ord. No. 616-2025
Ord. No. 617-2025
Res. No. 574-2025
Res. No. 609-2025
Res. No. 610-2025
Res. No. 618-2025
Res. No. 628-2025
Res. No. 629-2025
Res. No. 637-2025

Ordinance No. 243-2025

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

An emergency ordinance to amend Section 133.31 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 521-2024, passed July 10, 2024, relating to the Highland Park Golf Course and Banquet Room rates.

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 133.31 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 521-2024, passed July 10, 2024, is amended to read as follows:

Section 133.31 *Highland Park Golf Course and Banquet Room Rates*

(a) The Director of Parks and Recreation is authorized to collect, or cause to be collected, the following rates set forth below at Highland Park Golf Course:

In-Season Rates (April 1st through October 15th of each year and dependent on the weather/market):

(1) Monday through Thursday

	Current Rate	2025	2026
18 holes riding*	up to $36	$39	$42
18 holes walking	up to $23	$26	$29
9 holes riding	up to $24	$26	$28
9 holes walking	up to $17	$19	$21

** As used in this ordinance, riding shall mean the player will use a power cart.*

Friday

	Current Rate	2025	2026
18 holes riding	up to $36	$42	$45
18 holes walking	up to $23	$29	$32
9 holes riding	up to $24	$26	$28
9 holes walking	up to $17	$19	$21

(2) Saturday, Sunday and Holidays

	Current Rate	2025	2026
18 holes riding	up to $45	$48	$51
18 holes walking	up to $32	$35	$38
9 holes riding	up to $26	$28	$30
9 holes walking	up to $19	$21	$23

(3) Senior* – Junior* Monday through Thursday before 3:00 p.m. and Friday, Saturday, Sunday, and Holidays after 2:00 p.m.)

	2025		2026	
Current Rate	Mon-Thurs	Fri-Sun	Mon-Thurs	Fri-Sun
18 holes riding up to $33	$35	$37	$37	$39
18 holes walking up to $20	$22	$24	$24	$26
9 holes riding up to $19	$21	$23	$23	$25
9 holes walking up to $12	$14	$16	$16	$18

** Senior players must be at least sixty (60) years old and Junior players must be under the age of 18.*

(b) Residential Discounts and Discount Card. A residential discount on rates is available to all Cleveland residents with non-expired photo identification demonstrating current Cleveland proof of residency. Cleveland residents qualify for and may obtain an annual discount card at no cost. Non-residents can obtain this annual discount card for a $20.00 fee. The card is not valid on outings, special or discounted rates, or special events. The card provides the following discounts:

	Current Rate	2025	2026
18 holes	up to $6.00	$6	$6
9 holes	up to $2.00	$2	$2

(c) Additional Rates/Charges:

	Rate
League rate 9 holes walking/riding (a.m. hours)	up to $12 / $18
League rate 9 holes walking/riding (p.m. hours)	up to $16 / $22
In-Season Power Cart Fee (9 holes/18 holes)	up to $8 / $13
Pull Cart	$5
Replay [after already playing 18 holes] (9 holes/18 holes)	up to $9 / $18

(d) Banquet Room Rental at Highland Park Golf Course:

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.

(2) Rental rates shall be based on a four (4) hour period, which will include at no charge up to one (1) hour before the event for set-up and up to one (1) hour after the event for clean-up. Any events, not including the above-referenced set-up and clean-up times, exceeding the four (4) hour period, shall be charged for each additional hour, or portion of an hour, used. Rental rates for the room, including additional charges for exceeding the four (4) hour period, shall be set by the Board of Control. The banquet room closes at 12:00 a.m. on Friday through Sunday and Holidays and at times determined by the Commissioner of Recreation on Monday through Thursday. All events shall end one-half hour before the facility closes. The City's Concessionaire shall be used exclusively to provide food and beverages for all catered events, unless the Director approves the use of an independent caterer. All beverages, including alcoholic beverages, shall be purchased from the City or the City's Concessionaire. Security is to be provided through the Village of Highland Hills Police Department, and it is the responsibility of the group renting the banquet room to arrange and pay for such security, as billed by the Village of Highland Hills Police Department.

(3) Rental of the banquet room for golf outings. The golf outing must conclude one-half hour before the golf course closing time. Events exceeding the four (4) hour rental period described above, are subject to additional charges. If the event is to be catered by the City's Concessionaire, the rental fee for the room for a maximum period of four (4) hours, shall be included in the caterer's per-person meal cost.

(4) Golf leagues established for the season at Highland Park Golf Course may use the banquet room at no charge once per golf season. Events shall be held Monday through Friday and shall conclude by 5:00 p.m.

(e) Net proceeds from fees collected at the Highland Park Golf Course shall be expended for facility improvements therein.

Section 2. That Section 133.31 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 521-2024, passed July 10, 2024, 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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 325-2025

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Oracle America, Inc., for the hosting and managed services support associated with the Oracle Customer Care and Billing system, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, for a period of two years, with two one-year options to renew, 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 contracts with Oracle America, Inc., to provide professional services for the hosting and managed services support associated with the Oracle Customer Care and Billing system on the basis of its proposal dated January 14, 2025, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, including but not limited to hosting and support for meters, applications, maintenance, licensing and other related products needed to implement this ordinance, for a period of two years, with two one-year options to renew, exercisable by the Director of Public Utilities.

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

Section 3. The contract or contracts shall be paid from Fund Nos. 52 SF 001 and 58 SF 001. (RQS 2002, RL 2025-09).

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 327-2025

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right-of-way of Central Avenue by constructing, installing, operating, and maintaining a new pump station.

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 issue a permit, revocable at the will of Council, to Northeast Ohio Regional Sewer District, 3900 Euclid Avenue, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Central Avenue by constructing, installing, operating, and maintaining a new pump station at the following location:

Encroachment Legal Description

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of S.S. Stone's Central Tract as recorded in Volume 2, Page 31 of the Cuyahoga County Map Records, being more definitely described as follows;

Commencing at the intersection of the centerline of West 3rd Street (103.5 feet wide) and the centerline of Central Avenue (66 feet wide);

Thence, along the centerline of Central Avenue, North 55° 27' 14" East, 68.50 feet;

Thence, leaving the centerline of Central Avenue, South 34° 31' 05" East, 33.00 feet to the intersection of the northeasterly right-of-way of West 3rd Street and the southeasterly right-of-way of Central Avenue, said point being referenced by a 5/8" iron pin found 0.28 feet South and 0.51 feet East;

Thence, along the southeasterly right-of-way of Central Avenue, North 55° 27' 14" East, 42.15 feet to the True Point of Beginning for the encroachment herein described;

Course 1: Thence, leaving the southeasterly right-of-way of Central Avenue, North 41 ° 18' 00" West, 35.34 feet;

Course 2: Thence, North 48° 48' 35" East, 19.81 feet;

Course 3: Thence, North 55° 34' 28" East, 83.55 feet to the southwesterly line of land conveyed to CSX Railroad as recorded in Volume 88-5964, Page 7 of the Cuyahoga County Records;

Course 4: Thence, along the southwesterly line of said land conveyed to CSX Railroad, South 28° 43' 00" East, 4.23 feet;

Course 5: Thence, continuing along the southwesterly line of said land conveyed to CSX Railroad, South 32° 03' 09" East, 33.03 feet to a 5/8" "6440/7702 Garrett" capped iron pin found in the southeasterly right of way of Central Avenue;

Course 6: Thence, along the southeasterly right of way of Central Avenue, South 55° 27' 14" West, 97.20 feet to the True Point of Beginning. Containing within said bounds 0.0853 acres of land (3,718 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July-September, 2023.

Legal Descriptions approved by Eric B. Westfall, Section Chief,
Plats, Surveys and House Numbering Section.

Section 2. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location.

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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 328-2025

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the Cleveland Public Library to encroach into the public right-of-way of Superior Avenue by installing and maintaining an Ohio historical marker mounted on a 10-foot-tall octagonal post with a foundation.

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 issue a permit, revocable at the will of Council, to the Cleveland Public Library, located at 325 Superior Avenue, East, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Superior Avenue by installing and maintaining an Ohio historical marker that would be mounted on a 10-foot-tall octagonal post with a foundation at the following location:

Historical Marker Location Description

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being part of Original Two Acre Lot Nos. 65 and 66 and further bounded and described as follows:

Beginning at a point on the northerly right of way of Superior Avenue (132 feet wide) and the easterly right-of-way of East 3rd Street (99 feet wide);

Thence North 55°48'20" East along the northerly right-of-way of Superior Avenue, 168.00 feet to a point;

Thence South 34°11°40" East, 20.50 feet to the Principal Place of Beginning;

Course No.1 Thence North 55°48'20" East, 5.00 feet;

Course No.2 Thence South 34°11'40" East, 5.00 feet;

Course No.3 Thence South 55°48'20" West, 5.00 feet;

Course No.4 Thence North 34°11°40" West, 5.00 feet to the Principal Place of Beginning, containing 0.0006 acres (25 square feet).

Legal Description approved by Eric B. Westfall, P.S., Section Chief

Plats, Surveys and House Numbering Section.

Section 2. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location.

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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 329-2025

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Nautica Entertainment, LLC to encroach into the public right-of-way of Elm Street by installing, using and maintaining a new egress stairway and entry canopy.

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 issue a permit, revocable at the will of Council, to Nautica Entertainment, LLC, 1231 Main Avenue, Cleveland, Ohio 44113 ("Permittee"), to encroach into the public right-of-way of Elm Street by installing, using and maintaining a new egress stairway and entry canopy at the following locations:

Canopy Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Nos. 51 and 70, as shown on the plat recorded in Volume 3, Page 51 of Cuyahoga County Plat Records, and being entirely in Elm Street N.W. and described as follows:

Beginning at a drill hole in a stone found in a monument box found at the centerlines of Main Avenue N.W., 80.00 feet wide, and Elm Street N.W., 66.00 feet wide; thence North 71°40'56" West along said centerline of Elm Street N.W., 200.25 feet; thence South 18°21'38" West, 33.00 feet to a drill hole set in the south line of said Elm Street N.W.; thence North 71°40'56" West along said south line of Elm Street N.W., 12.16 feet to the Principal Place of Beginning;

Course 1: Thence North 71°40'56" West along said south line of Elm Street N.W., 9.33 feet;

Course 2: Thence North 18°19'04" East, 4.83 feet;

Course 3: Thence South 71°40'56" East, 9.33 feet

Course 4: Thence South 18°19'04" West, 4.83 feet to the Principal Place of Beginning and containing 45.11 Square Feet of land.

Stairway Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Nos. 51 and 70 as shown on the plat recorded in Volume 3, Page 51 of Cuyahoga County Plat Records and being entirely in Elm Street N.W. and described as follows:

Beginning at a drill hole in a stone found in a monument box found at the centerlines of Main Avenue N.W., 80.00 feet wide, and Elm Street N.W., 66.00 feet wide; thence North 71°40'56" West along said centerline of Elm Street N.W., 200.25 feet; thence South 18°21'38" West, 33.00 feet to a drill hole set in the south line of said Elm Street N.W.; thence North 71°40'56" West along said south line of Elm Street N.W., 69.02 feet to the Principal Place of Beginning;

Course 1: Thence North 71°40'56" West along said south line of Elm Street N.W., 14.75 feet;

Course 2: Thence North 18°19'04" East, 6.83 feet;

Course 3: Thence South 71°40'56" East, 14.75 feet

Course 4: Thence South 18°19'04" West, 6.83 feet to the Principal Place of Beginning and containing 100.79 Square Feet of land.

Legal Descriptions approved by Eric B. Westfall, Section Chief,
Plats, Surveys and House Numbering Section.

Section 2. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 331-2025

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professionals to develop, market, implement, and manage the residential service contract and protection plan program for the Divisions of Water and Water Pollution Control, for a period of four years, with two one-year options to renew, exercisable through additional legislative authority; and to extend Contract No. PS 2020-265 with HomeServe USA Corp. for a period or periods not to exceed a total of one year.

WHEREAS, under Ordinance No. 500-08, passed June 2, 2008, as amended by Ordinance No. 988-14, passed November 17, 2014, the City of Cleveland created a Water and Sewer Service Line Residential Service Contract and Protection Plan and the Water Heater Repair and Replacement Plan, as optional protection plans and service contracts to water and sewer residential customers; 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 Utilities is authorized to employ by contract or contracts, one or more professionals or one or more firms of professionals, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland, in order to provide services necessary to develop, market, implement, and manage the residential service contract and protection plans, which include emergency repairs to the customers' water service lines, sewer service lines, internal plumbing and water heaters, on behalf of the Divisions of Water and Water Pollution Control (the "Program Service Provider"), for a period of four years, with two one-year options to renew, exercisable through additional legislative authority.

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 Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Utilities 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 Utilities, and certified by the Director of Finance.

Section 2. That the Director of Public Utilities may establish and collect premiums for each plan offered to Program participants and also establish and collect administrative surcharges added to each plan. Both the premiums and the

administrative surcharge (collectively, the "Plan Rates") shall be approved by the Board of Control and shall be published in the City Record when changed.

Section 3. That under division (b) of Section 108 of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Utilities 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 4. That the Director of Public Utilities is authorized to collect the Plan Rates, subsequently remit the premiums to the Program Service Provider, and retain the City's administrative surcharge. The Director of Public Utilities shall deposit the Plan Rates collected under this ordinance into the fund or funds designated by the Director of Finance. In addition, the surcharges collected are appropriated to the Department of Public Utilities for costs associated with administrating the Program.

Section 5. That the contract or contacts shall provide that there will be no additional cost to the City of Cleveland for services performed by the Program Service Provider other than the remittance payments made to them by the City.

Section 6. That the Director of Public Utilities is authorized to extend Contract No. PS 2020-265 with HomeServe USA Corp. with the same terms and conditions for a period or periods not to exceed a total of one year, for a residential plumbing protection program.

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 332-2025

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of water mains, fire hydrants, service connections, valves, and appurtenances, for the Division of Water, and one or more requirement contracts for concrete repair, tree lawn restoration, pavement restoration, including but not limited to, materials, labor and installation as necessary, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed a total 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed a total of two years of the necessary items of water mains, fire hydrants, service connections, valves and appurtenances, including but not limited to, materials, labor and installation, as necessary, for the Division of Water, and one or more requirement contracts for concrete repair, tree lawn restoration, and pavement restoration, including but not limited to, materials, labor and installation, as necessary, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis. 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 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 2025-5)

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

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 384-2025

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 Craun-Liebing Company for the purchase of proprietary parts and services to install, maintain, repair and replace Gorman-Rupp pump equipment, for the Division of Water Pollution Control, Department of Public Utilities, for a period 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 and services are non-competitive and cannot be secured from any source other than Craun-Liebing Company. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Craun-Liebing Company, on the basis of their proposal, dated January 16, 2025, for the requirements for a period of two years of the necessary items of proprietary parts and services to install, maintain, repair and replace Gorman-Rupp pump equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That the Director of Public Utilities is authorized to apply for and accept funding from the Northeast Ohio Regional Sewer District ("NEORSD") for Community Cost-Share Program funding to implement this ordinance; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purpose described in this ordinance.

Section 3. 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 2003, RL 2025-23)

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 424-2025

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PS 2023-0208 with Pinkney Enterprises, L.L.C. dba Take a BREAK Quick Catering to provide for the operation of a first-class food and beverage service at the Carl B. Stokes Public Utilities Building.

WHEREAS, under the authority of Ordinance No. 348-2022, passed May 23, 2022, the Director of Public Utilities entered into Contract No. PS 2023-0208 with Pinkney Enterprises, L.L.C. dba Take a BREAK Quick Catering to provide for the operation of a first-class food and beverage service at the Carl B. Stokes Public Utilities Building; and

WHEREAS, Ordinance No. 348-2022 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 Public Utilities is authorized to exercise the first option to renew Contract No. PS 2023-0208 with Pinkney Enterprises, L.L.C. dba Take a BREAK Quick Catering to provide for the operation of a first-class food and beverage service at the Carl B. Stokes Public Utilities Building. This ordinance constitutes the additional legislative authority required by Ordinance No. 348-2022 to exercise this option.

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 426-2025

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

An emergency ordinance determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings and sites, including but not limited to, roofs and related building and site systems; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the Director to employ one or more professional consultants necessary to design the improvement; and authorizing the Director to apply for and accept any grants, including but not limited to, grants from the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for a period 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of maintaining and improving the interior and exterior of various buildings and sites, including but not limited to, roofs, and related building and site systems (the "Improvement"), for the various divisions of the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the 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 basis.

Section 3. That the Director of Public Utilities 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 Utilities 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 the Improvement, for a period of two years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 Utilities, and certified by the Director of Finance.

Section 5. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement, including but not limited to, the Northeast Ohio Regional Sewer District ("NEORSD") for Community Cost-Share Program funding or other funding to implement the Improvement; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the grants.

Section 6. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 7. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 50 SF 002, 52 SF 001, 54 SF 001 and 58 SF 001, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the funding from any grants received for this purpose, and/or from the fund or funds to which are credited the NEORSD Community Cost-Share Program funds. (RQS 2001, RLA 2025-09)

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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 432-2025

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to clean high voltage insulators, bushings, lightning arrestors, transformers, and associated equipment at various locations, for the Division of Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed a total 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed a total of two years of the necessary items of labor and materials needed to clean high voltage insulators, bushings, lightning arrestors, transformers, and associated equipment at various locations, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be 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 2004, RL 2025-26)

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

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

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 433-2025

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of rigging services, for the Division of Cleveland Public Power, Department of Public Utilities, for a period or periods not to exceed a total 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed a total of two years of the necessary items of rigging services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities.

Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That under division (b) of Section 108 of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities 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 3. 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 2004, RL 2025-27)

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 463-2025

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 BissNuss Inc., for the purchase of various proprietary equipment and services to maintain and replace existing components of various drinking water systems, 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 certain components and services for the Division of Water are non-competitive and cannot be secured from any source other than BissNuss Inc., which is the sole representative and supplier of proprietary equipment and services in the Northeast Ohio region for the following manufacturers: Acrison, BNR, CST, Evoqua, Enviropax, Force Flow, Integrity Municipal Systems, JMS Equipment, Keco Pumps, LMI, Milton Roy, Netzsch, Schwing Bioset, SPX Flow, UGSI, Watson Marlow, and Westech, in order to maintain and replace existing components of drinking water systems. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with BissNuss Inc., for the requirements for a term of two years, for the necessary equipment and services manufactured by the above-listed manufacturers, but provided by BissNuss Inc., 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 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. (RQN 2002, RL 2025-15)

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

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

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 464-2025

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. CT 2002 PS 2024-23 with Partners Environmental Consulting, Inc. to provide environmental, health, safety, and engineering services for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

WHEREAS, under the authority of Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, and Board of Control Resolution No. 408-19, adopted August 30, 2019, the Director of Public Utilities entered into Contract No. CT 2002 PS 2024-23 with Partners Environmental Consulting, Inc. to provide environmental, health, safety, and engineering services for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities; and

WHEREAS, Section 129.294 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 Public Utilities is authorized to exercise the first option to renew Contract No. CT 2002 PS 2024-23 with Partners Environmental Consulting, Inc. to provide environmental, health, safety, and engineering services for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, at a cost not to exceed $372,000. This ordinance constitutes the additional legislative authority required by Section 129.294 to exercise this option. (RQS 2002, RL 2025-28)

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 465-2025

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

An emergency ordinance authorizing the Director of Parks and Recreation to enter into an agreement with The Cleveland Cultural Gardens Federation to co-sponsor the 2025 One World Day.

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 Parks and Recreation is authorized to enter into an agreement with The Cleveland Cultural Gardens Federation to co-sponsor the 2025 One World Day scheduled for August 24, 2025. The agreement shall provide, among other things, that the City will provide educational programming and activities celebrating the many cultures that are present in the City of Cleveland, and in addition, covering golf cart expenses and additional security.

Section 2. That the cost of the agreement shall not exceed $10,000 and shall be paid from Fund No. 01-4503-6380. (RQS 4503, RL 2025-06)

Section 3. That the agreement 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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 490-2025

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of underwater diving, inspection, cleaning, debris removal and occasional repair of submerged and water-filled facilities, for the Division of Water, Department of Public Utilities, for a period 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years, of the necessary items of underwater diving, inspection, cleaning, debris removal and occasional repair of submerged and water-filled facilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be 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 2025-07)

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

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 492-2025

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of water pumps, electric motors, controls, transformers, circuit breakers, switchgear and appurtenances, and for materials, equipment, supplies, parts, and services necessary to test, maintain, replace, and repair water pumps, electric motors, controls, transformers, circuit breakers, switchgear and appurtenances, including but not limited to inspection, supplies, repairing, testing, labor, and installation, if necessary, for the Division of Water, Department of Public Utilities, for a period up to 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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, to purchase water pumps, electric motors, controls, transformers, circuit breakers, switchgear and appurtenances, and for materials, equipment, supplies, parts, and services necessary to test, maintain, replace, and repair water pumps, electric motors, controls, transformers, circuit breakers, switchgear and appurtenances, including but not limited to inspection, supplies, repairing, testing, labor, and installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be 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 2025-16).

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

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 527-2025

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

An emergency ordinance to amend section 1 of Ordinance No 1086-2023, passed November 13, 2023, relating to authorizing the general fund to receive and use revenue from tax remittances collected by Cleveland Public Power during the years 2024 and 2025, and transferring 100% of tax remittances collected in both years back to Cleveland Public Power, to extend through additional years.

WHEREAS, under Ordinance No. 1086-2023, passed November 13, 2023, this Council authorized, among other things, Cleveland Public Power to receive from the general fund an amount equal to one hundred percent (100%) of the tax remittances due the City collected in 2024, and to be collected in 2025 by Cleveland Public Power, under Section 5727.81 of the Revised Code; and

WHEREAS, legislative authority is necessary to provide that the general fund shall receive all tax remittances collected by Cleveland Public Power during 2026 and 2027 and transfer 100% of the tax remittances collected in 2026 and 2027 back to Cleveland Public Power; 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 1 of Ordinance No. 1086-2023, passed November 13, 2023, is amended to read as follows:

Section 1. That as an exception to Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, partially repealed by Ordinance No. 2068-05, passed November 21, 2005; Ordinance No. 2088-03, passed October 27, 2003; Ordinance No. 2197-04, passed January 10, 2005; Ordinance No. 158-06, passed March 20, 2006; Ordinance No. 1842-06, passed February 5, 2007; Ordinance No. 1768-07, passed December 10, 2007; Ordinance No. 1248-09, passed September 28, 2009; Ordinance No. 1560-10, passed November 29, 2010; Ordinance No. 193-13, passed March 18, 2013; Ordinance No. 1350-14, passed December 1, 2014; Ordinance No. 103-17, passed April 3, 2017, as amended by Ordinance No. 1311-17, passed December 4, 2017; Ordinance No. 1152-2019, passed October 28, 2019; and Ordinance No. 779-2021, passed October 25, 2021, the general fund shall receive all tax remittances collected under Section 5727.81 of the Revised Code during calendar years 2024, 2025, 2026 and 2027 and shall transfer 100% of the tax remittances collected in 2024, 2025, 2026 and 2027 back to Cleveland Public Power.

Section 2. That existing Section 1 of Ordinance No. 1086-2023, 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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 528-2025

By Council Members: Griffin (by departmental request)

An emergency ordinance to amend Section 125.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 443-2019, passed April 22, 2019, relating to Director's Powers and Duties.

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 125.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 443-2019, passed April 22, 2019, is amended to read as follows:

125.01 *Director's Powers and Duties*

(a) The work of the Department of Law shall be distributed between a civil branch and a criminal branch. The Director of Law shall supervise and control the Department. He or she may appoint such number of Assistant Directors of Law as he or she deems necessary for the proper conduct of the work of the civil branch, whose appointments shall be subject to the approval of Council; three (3) of whom he or she may designate as Chief Counsel, Chief Trial Counsel and Chief Corporate Counsel, and not to exceed eight (8) of whom he or she may designate as Chief Assistant Director of Law.

(b) The Director shall be the Prosecuting Attorney of the Municipal Court, pursuant to the provisions of Charter Section 84. He or she may also designate not more than twenty-seven (27) assistant prosecutors, whose appointments shall be subject to the approval of Council; two (2) of whom may be designated, respectively, as Chief Assistant Prosecutor and First Assistant Prosecutor; and three (3) of whom may be designated as Deputy Assistant Prosecutor.

(c) The Director is authorized to employ such number of clerks, stenographers and persons in other classifications as he or she may deem necessary.

Section 2. That the existing Section 125.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 443-2019, passed April 22, 2019, 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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 529-2025

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the second option to renew Contract Nos. PS 2023-175 with Amsive LLC and PS 2023-262 with KUBRA Data Transfer Ltd. to provide professional consultants to host and manage billing systems and related systems and activities.

WHEREAS, under the authority of Ordinance No. 534-2022, passed June 6, 2022, the Director of Public Utilities entered into Contract Nos. PS 2023-175 with Amsive LLC and PS 2023-262 with KUBRA Data Transfer Ltd. to provide professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities; and

WHEREAS, Ordinance No. 534-2022 requires further legislation before exercising the second option to renew these contracts; 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 Utilities is authorized to exercise the second option to renew Contract Nos. PS 2023-175 with Amsive LLC and PS 2023-262 with KUBRA Data Transfer Ltd. to provide professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 534-2022 to exercise these options.

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 532-2025

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 assist in the management of Program Year 4 of the City's project of replacing various lead and galvanized service lines; authorizing the purchase by one or more requirement and/or standard contracts of copper service lines, copper connections, and related appurtenances, including but not limited to materials, labor and installation, if necessary, for the Division of Water; and authorizing the Director of Public Utilities and/or the Director of Finance to apply for and accept one or more Water Supply Revolving Loan Account loans, grants and other funding.

WHEREAS, the recently passed Federal Bipartisan Infrastructure Law (the Infrastructure Investment and Jobs Act), has set aside $15 billion for lead-line removal nationally over the next several years; and

WHEREAS, Ohio's share of the money is estimated at $738 million, which will be administered by the Ohio Environmental Protection Agency (the "Ohio EPA") in five (5) annual rounds ("Program Years"); and

WHEREAS, the City will apply for funding for Program Year 4, to replace various lead and galvanized service lines that run from the water main to the curb stop valve, and when necessary, from the curb stop valve into the building up to the meter setting, with copper service lines and copper connections, for the Department of Public Utilities, Division of Water (the "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 the Director of Public Utilities 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 to assist in the management of the Project, including but not limited to, designing, inspecting, performing a lead inventory, and other related services needed to implement the Project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities, 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 Utilities, and certified by the Director of Finance.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement and/or standard contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period to be determined by the Director of Public Utilities, of the necessary items of copper service lines, copper connections, and other necessary appurtenances needed to implement the Project, including but not limited to, materials, labor and installation, as necessary, for the Division of Water, and concrete repair, tree lawn restoration, and pavement restoration, including but not limited to, materials, labor and installation, as necessary, for the Division of Water, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis. 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 3. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept one or more Water Supply Revolving Loan Account ("WSRLA") loans from the Ohio Water Development Authority, the Ohio EPA or other appropriate state agency. The Director or Public Utilities and/or the Director of Finance has applied for, or intends to apply for, Ohio funding for the following list of projects, and they may not perform all of these projects, depending in part on the level of state funding received:

PROJECT	
CWD LSLR 4-1	CWD LSLR 4-12
CWD LSLR 4-2	CWD LSLR 4-13
CWD LSLR 4-3	CWD LSLR 4-14
CWD LSLR 4-4	CWD LSLR 4-15
CWD LSLR 4-5	CWD LSLR 4-16
CWD LSLR 4-6	CWD LSLR 4-17
CWD LSLR 4-7	CWD LSLR 4-18
CWD LSLR 4-8	CWD LSLR 4-19
CWD LSLR 4-9	CWD LSLR 4-20
CWD LSLR 4-10	CWD LSLR 4-21
CWD LSLR 4-11	CWD LSLR 4-22

Section 4. That the Director of Public Utilities and/or the Director of Finance is authorized to enter into one or more loan agreements with the Ohio Water Development Authority, the Ohio EPA or other appropriate state agency, for one or more WSRLA loans, which loan agreement or agreements may contain additional terms that are deemed acceptable by the Director of Public Utilities and/or the Director of Finance and the Director of Law, to protect the public interest. The Director of Public Utilities and/or the Director of Finance is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA loan agreement or agreements, and appropriate the loan funds for the purposes set forth in the WSRLA loan agreement or agreements.

Section 5. That upon execution of the WSRLA loan agreement or agreements, the Director of Public Utilities and/or the Director of Finance is authorized to repay the loan funds to the WSRLA, in accordance with the terms and conditions of the WSRLA loan agreement or agreements, from the operating revenues of the Division of Water.

Section 6. The Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept grants, awards and other funding as it may become available from the State of Ohio and its state agencies, public agencies and/or pass-through entities approved by the governmental entity and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants, and that the funds are appropriated for the purposes described in this ordinance. Such funds may be principal forgiveness or low-interest twenty-year loans.

Section 7. That under division (b) of Section 108 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 Utilities may sign all documents that are necessary to make the purchases and services, and may enter into one or more contracts with the vendors or consultants selected through that cooperative process.

Section 8. That the costs of the 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, from the fund or funds to which are credited any loan funds or grant proceeds received, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 9. That the cost of the professional services shall be paid from Fund No. 52 SF 001, Fund No. 52 SF 258, the fund or funds to which are credited the loan proceeds received under any WSRLA loan agreement, or from any other loan and grant funds received, or from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and from other funds approved by the Director of Finance. (RQN 2002, RL 2025-12)

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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 550-2025

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

An emergency ordinance authorizing the Director of Parks and Recreation to enter into one or more contracts with Case Western Reserve University, to provide a youth summer sports, nutrition, health, and life skills development program for 2025, under the National Youth Sports Program supported by Case Western Reserve University.

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 Parks and Recreation is authorized to enter into one or more contracts with Case Western Reserve University ("CWRU") for the public purpose of providing Cleveland youths with a summer sports, nutrition, health, and life skills development program for 2025, under the National Youth Sports Program supported by CWRU.

Section 2. That the cost of the contract or contracts shall not exceed $150,000, and shall be paid from Fund No. 01-4503-6380. (RQS 4503, RL 2025-03)

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 608-2025

By Council Member: Spencer

An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Northwest Neighborhoods Community Development Corporation, for the Greenspace Maintenance Project, through the use of Ward 15 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 Northwest Neighborhoods Community Development Corporation for the Greenspace Maintenance Project, for the public purpose of providing landscaping improvements and maintenance to several neighborhood pocket parks and partner-owned lots, and planting beds for Spring/Summer 2025, through the use of Ward 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed $19,945.00, 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 15	$19,945.00	G25722

Section 3. That the Law Department has reviewed and approved this proposal on April 24, 2025. The Department has reviewed and approved the proposal on April 24, 2025.

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.

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 616-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance approving the collective bargaining agreement with the Service Employees, Maintenance Employees Local 1 (SEME Local 1); and to amend Section 18 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to compensation 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 under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Service Employees, Maintenance Employees Local 1 (SEME Local 1), under the terms contained in **File No. 616-2025-A**, for the period from April 1, 2025, through March 31, 2028, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
3%	April 1, 2025
3%	April 1, 2026
3%	April 1, 2027

Section 2. That Section 18 of Ordinance No. 194-2021, passed March 29, 2021, as amended, is amended to read as follows:

Section 18. *S.E.M.E., Local 1*. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	**Minimum**	**Maximum**
1	Auto Body Technician	25.66	29.15
2	Automobile Technician	26.20	28.85
3	Automobile Technician Unit Leader	31.08	35.01
4	Blacksmith Technician	29.28	34.16
5	Garage Technician	21.67	24.54
6	Heavy Duty Auto Body Technician	26.99	30.54
7	Heavy Duty Technician	29.55	34.56
8	Heavy Duty Technician II	20.51	33.00
9	Heavy Duty Technician Unit Leader	37.29	42.86
10	Small Equipment Technician	23.44	27.29

11	Tire Repair Technician	23.48	26.67
12	Welder Technician	29.62	33.65
13	Welder/Fabricator Technician	30.45	34.54

Section 3. That existing Section 18 of Ordinance No. 194-2021, passed March 29, 2021, as amended, is repealed.

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

Passed May 12, 2025.

Effective May 13, 2025.

Ordinance No. 617-2025

By Council Member: Gray

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Burten, Bell, Carr Development, Inc., for the public purpose of providing the Community Beautification and Youth Job Training Program, through the use of Ward 4 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 Burten, Bell, Carr Development, Inc., for the public purpose of providing a youth workforce development program, through the use of Ward 4 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed $44,520.00, 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 4	$44,520.00	G25724

Section 3. That the Law Department has reviewed and approved this proposal on April 16, 2025. The Department has reviewed and approved the proposal on April 9, 2025. Project shall begin as of June 23, 2025.

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.

Passed May 12, 2025.

Effective May 13, 2025.

Resolution No. 574-2025

By Council Member: Polensek

An emergency resolution endorsing the *Two Lights For Tomorrow* national initiative and calling on all citizens to unite in remembrance of our shared history, honoring the sacrifices made by those who fought for our independence and reminding ourselves of the values we hold dear today; and encouraging all government buildings, community centers, public spaces, and all citizens to take part in this symbolic display by prominently displaying two lights for all to see, as a way of bringing awareness to America's 250th anniversary.

WHEREAS, the City of Cleveland recognizes the importance of honoring and commemorating the 250th anniversary of the founding of our nation and reminding our citizens of the vital significance and relevance of our founding principles and ideals that created a unique national identity worth fighting for; and

WHEREAS, the events of 1775 that began the revolution the year before independence was declared are significant moments that signaled the creation of a national identity and unity of purpose that transcended traditional geographic, cultural, and societal divides; and

WHEREAS, individuals and communities across all the colonies came together to support their fellow countrymen; and

WHEREAS, on the evening of April 18, 1775, with impending hostile action from the British Army in Boston, Massachusetts, Paul Revere and William Dawes, along with other alarm riders, undertook a perilous ride to alert everyone in the countryside of the coming danger; and

WHEREAS, preceding their departure from Boston, a prearranged signal was set in the Old North Church steeple to ensure that the message got out and did not solely rely on just one or two alarm riders; and

WHEREAS, the two lanterns that were the signal were immortalized in Henry Wadsworth Longfellow's poem, *Paul Revere's Ride,* as "One if by land, and two if by sea" and have become an enduring symbol of American vigilance, perseverance, and preparedness in the face of adversity; and

WHEREAS, those alarm riders and the citizens that answered the call to arms to serve and defend their fellow countrymen that night and the following day at the Battles of Lexington and Concord, exemplify the spirit of community and shared responsibility that has defined our nation since its inception; and

WHEREAS, we are reminded, 250 years later, that the call for unity and the call to serve each other is no less relevant today than it was then; and

WHEREAS, a national initiative has been proposed through collaboration from multiple states that two lights be displayed in public spaces across the country for all to see, marking the beginning of anniversary commemorations in April 2025, leading up to the 250th anniversary commemoration of the Declaration of Independence on July 4, 2026; and

WHEREAS, state commissions, state governments, federal agencies, and community, heritage, and historical organizations across the country have eagerly endorsed the initiative and pledge to support and participate, and have encouraged others to do the same; and

WHEREAS, some participating entities have also pledged to encourage an increase in community service from April 19, 2025, onward, as a way to encourage understanding about the true meaning of these historical commemorations, knowing that these events are not just marking history for history's sake, but rather encouraging reflection on the idea that all these historic events were endeavoring toward one common goal: the chance for a better tomorrow, together; and

WHEREAS, in the climate we find ourselves in, it is imperative more than ever before that we make ourselves even more aware than usual about what our American history is all about – the good, the bad, the beautiful and the ugly; 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 endorses the *Two Lights For Tomorrow* national initiative and calls on all citizens to unite in remembrance of our shared history, honoring the sacrifices made by those who fought for our independence and reminding ourselves of the values we hold dear today; and encourages all government buildings, community centers, public spaces, and all citizens to take part in this symbolic display by prominently displaying two lights for all to see, as a way of bringing awareness to America's 250th anniversary.

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

Adopted May 12, 2025.

Effective May 13, 2025.

Resolution No. 609-2025

By Council Member: Howse-Jones

An emergency resolution objecting to a New D1 Liquor Permit at 2456 Lakeside Avenue.

WHEREAS, Council has been notified by the Division of Liquor Control of an application for a New D1 Liquor Permit at Connect Lounge, LTD, 2456 Lakeside Avenue, Cleveland, Ohio 44114, Permit No. 1686561; 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 D1 Liquor Permit at Connect Lounge, LTD, 2456 Lakeside Avenue, Cleveland, Ohio 44114, Permit No. 1686561, 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 be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted May 12, 2025.

Effective May 13, 2025.

Resolution No. 610-2025

By Council Member: Kazy

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3671 West 130th Street, 1st Floor & Basement.

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Cooley Mini Mart Corp., 3671 West 130th Street, 1st Floor & Basement, Cleveland, Ohio 44111, Permit No. 1719676, to Exotic Smoke & More, LLC, DBA: Convenient Food Mart, 3671 West 130th Street, 1st Floor & Basement, Cleveland, Ohio 44111, Permit No. 25958550005; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Cooley Mini Mart, Corp., 3671 West 130th Street, 1st Floor & Basement, Cleveland, Ohio 44111, Permit No. 1719676, to Exotic Smoke & More, LLC.,

DBA: Convenient Food Mart, 3671 West 130th Street, Cleveland, Ohio 44111, Permit No. 25958550005, 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 be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted May 12, 2025.

Effective May 13, 2025.

Resolution No. 618-2025

By Council Member: Slife

An emergency resolution opposing closing local Social Security Administration offices, opposing state and federal cuts to Medicaid, Medicare and Social Security benefits, and supporting Congressional Bills "Keeping Our Field Offices Open Act", "Protecting Americans' Social Security Data Act" and "The Social Security Expansion Act".

WHEREAS, neighborhood Social Security Administration (SSA) offices and employees have faithfully served the public in communities across the country since 1935; and

WHEREAS, Social Security benefits are the best protection against falling into poverty for Americans since the inception of the SSA in 1935; and

WHEREAS, local Social Security offices, staffed with trained civil servants, provide service to millions of Americans each year, in person and by telephone; and

WHEREAS, 20 percent of staff in local SSA offices are veterans; and

WHEREAS, 9.7 million of Americans receiving Social Security benefits are veterans who, along with their families, depend on monthly checks from Social Security for housing and food; and

WHEREAS, older adults, including thousands of veterans and their families, are the fastest growing population of homeless; and

WHEREAS, more than 11,000 Americans reach retirement age each day; and

WHEREAS, because staffing at the SSA has fallen to a 50-year low while workloads have increased, this Council supports robust staffing in local offices to serve the public in a timely manner; and

WHEREAS, the Trump administration plans to cut SSA staff dramatically, which would take federal tax dollars from this community and transfer those dollars to billionaires by reducing their taxes; and

WHEREAS, the Trump administration has already announced the closure of dozens of neighborhood Social Security offices due to cost cutting; and

WHEREAS, millions of Americans depend on nearby SSA offices to file for benefits, resolve problems with social security payments, obtain work records, generate social security numbers, provide replacement social security cards, obtain income and award letters, and obtain applications for retirement, disability and supplemental security income; and

WHEREAS, while more than 79 million Americans receive Medicaid, the 2025 Congressional House Budget Resolution proposes steep cuts in Medicaid to provide tax breaks for the wealthiest 1% of Americans; and

WHEREAS, Medicare serves more than 68 million Americans but is targeted for cutbacks by the Trump administration in order to reduce taxes for American billionaires; 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 opposes closing local Social Security Administration offices.

Section 2. That this Council opposes state and federal cuts to Medicaid, Medicare and Social Security benefits.

Section 3. That this Council supports Congressional Bills "Keeping Our Field Offices Open Act", "Protecting Americans' Social Security Data Act" and "The Social Security Expansion Act".

Section 4. That the Clerk of Council is directed to transmit copies of this resolution to all members of the United States Congress.

Section 5. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 12, 2025.

Effective May 13, 2025.

Resolution No. 628-2025

By Council Member: Starr

An emergency resolution withdrawing objection to the transfer of ownership of a C1 liquor permit, 7900 Kinsman Road, and repealing Resolution No. 207-2025, objecting to said permit.

WHEREAS, this Council objected to a transfer of ownership of a C1 liquor permit to 7900 K&M Mart, Inc., 7900 Kinsman Road, Cleveland, Ohio 44104, Permit Number 7982100, by Resolution No. 207-2025, adopted by the Council on February 10, 2025; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the transfer of ownership of a C1 liquor permit to 7900 K&M Mart, Inc., 7900 Kinsman Road, Cleveland, Ohio 44104, Permit Number 7982100, be and the same is hereby withdrawn and Resolution No. 207-2025, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted May 12, 2025.

Effective May 13, 2025.

Resolution No. 629-2025

By Council Member: Kazy

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 liquor permit at 13710-12 Lorain Avenue and repealing Resolution No. 17-2025, objecting to said permit.

WHEREAS, this Council objected to a transfer of ownership of a C1 and C2 liquor permit to Getphonefix I, LLC., DBA: MCP Mart, 13710-12 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 3182345, by Resolution No. 17-2025, adopted by the Council on January 6, 2025; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 liquor permit to Getphonefix I, LLC., DBA: MCP Mart, 13710-12 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 3182345, be and the same is hereby withdrawn and Resolution No. 17-2025, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted May 12, 2025.

Effective May 13, 2025.

Resolution No. 637-2025

By Council Member: Polensek

An emergency resolution withdrawing objection to a new C2 liquor permit at 552 East 152nd Street, and repealing Resolution No. 1333-2024, objecting to said permit.

WHEREAS, this Council objected to a new C2 liquor permit to Sky Fuel, Inc., 552 East 152nd Street, Unit A, Cleveland, Ohio 44110, Permit No. 82191440060, by Resolution No. 1333-2024, adopted by the Council on November 25, 2024; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the new C2 liquor permit to Sky Fuel, Inc., 552 East 152nd Street, Unit A, Cleveland, Ohio 44110, Permit No. 82191440060, be and the same is hereby withdrawn and Resolution No. 1333-2024, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted May 12, 2025.

Effective May 13, 2025.

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

[* denotes interim committee member]

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), Gray*, Hairston, 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), Conwell*, Gray, Slife, Spencer, Starr.

TUESDAY – Alternating

9:30 a.m. – **Development, Planning and Sustainability Committee:** Hairston (CHAIR), Santana (VICE-CHAIR), Harsh, Howse-Jones, McCormack, Slife*, Spencer.

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Gray, Howse-Jones, Kazy*, 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: Harsh (CHAIR), Griffin, Hairston, Polensek*, 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

Ryan M. Puente, Deputy Chief of Staff and Chief Government Affairs Officer

Jeff Epstein, Chief of Integrated Development

Sarah N. Johnson, Chief Communications Officer

Michele Pomerantz, Chief of Education

Sonya Pryor-Jones, Chief of Youth and Family Success

Bonnie Teeuwen, Chief Operating Officer

Stephanie Wernet, Chief Innovation and Technology Officer

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

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 PLANNING COMMISSION – Calley Mersmann, Director

CIVIL SERVICE COMMISSION – Rachon Long, Executive Director

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

COMMUNITY RELATIONS BOARD – Angela Shute-Woodson, Executive Director

ECONOMIC DEVELOPMENT – Thomas S. McNair, Director

FINANCE – Paul C. Barrett, Director

Divisions:

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

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

INNOVATION AND TECHNOLOGY – Stephanie Wernet, Chief Innovation and Technology Officer

LANDMARKS COMMISSION – Daniel A. Musson, Secretary

LAW – Mark D. Griffin, Director
Michele Comer, Chief Counsel
Stephanie K. Melnyk, 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 – Mark Duluk, 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

PARKS AND RECREATION – Alexandria Nichols, 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, 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

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/