

The City Record

Official Publication of the Council of the City of Cleveland

June 12, 2020



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City Clerk, Clerk of Council
216 City Hall

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Official Proceedings City Council

Cleveland, Ohio
Monday, June 8, 2020

There was no City Council meeting on Monday, June 8, 2020.

There will be a meeting of Cleveland City Council on Wednesday, June 17, 2020, at 1:00 p.m. Official Notice of this meeting and the agenda will be posted at www.clevelandcitycouncil.org, and at <https://cityofcleveland.legistar.com/Calendar.aspx>. This meeting will be held during the COVID-19 emergency declaration, and will be conducted as a virtual meeting in accordance with Ohio's Open Meetings Laws as amended by Sub. H.B. 197. The public may observe this meeting on YouTube: <https://www.youtube.com/user/ClevelandCityCouncil>, and on Cleveland Channel 20 via cable broadcast or live streaming at www.tv20cleveland.com/watch-now/.

Council Committee Meetings

The following committee meetings were held during the City of Cleveland's COVID-19 emergency declaration and conducted as virtual meetings, in accordance with Ohio's Open Meetings Laws as amended by Sub. H.B 197. The public was able to observe these meetings live on YouTube (broadcast online) and on Cleveland Channel 20 (broadcast online and on local government access cable television).

Tuesday, June 9, 2020

1:00 p.m.

Development, Planning and Sustainability Committee

Present: Brancatelli, Chair; Cleveland, Vice Chair; Griffin, Hairston, B. Jones, McCormack, Slife

Wednesday, June 10, 2020

9:30 a.m.

Municipal Services and Properties Committee

Present: Johnson, Chair; J. Jones, Vice Chair; Bishop, Brancatelli, Hairston, Kazy, Mooney

Board of Control

Wednesday, June 10, 2020

The meeting of the Board of Control convened in the Mayor's office on Wednesday, June 10, 2020, at 10:41 a.m. with Director Langhenry presiding.

Members Present: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard, Directors Menesse, West, McNamara, Donald

Absent: Mayor Jackson, Directors Cox, Gordon, Ebersole

Others Present: None

On motions, the resolutions attached were adopted, except as may be otherwise noted.

There being no further business, the meeting was adjourned at 10:45 a.m.

Stephanie Melnyk
Acting Secretary – Board of Control

Resolution No. 203-20

Adopted 6/10/20

By Director Dumas

REQUIREMENT CONTRACT

RESOLVED, by the BOARD of CONTROL of the CITY of CLEVELAND that the bid of

GM Industrial Inc. d/b/a Chemsafe International

for an estimated quantity of various types of industrial paper products, cleaning and janitorial maintenance equipment, materials and supplies, all items,

for the various divisions of City government,

for a period of one year beginning with the date of execution of a contract, with two one-year options to renew, exercisable by the Director of Finance,

received on June 3, 2020, under the authority of Ordinance No. 1423-19, passed November 25, 2019,

which on the basis of the estimated quantity would amount to\$ 450,000.00,

is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a **REQUIREMENT** contract for the labor and materials necessary for the specified items.

The **REQUIREMENT** contract shall further provide that the Contractor shall furnish all the City's requirements for such labor and materials, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 204-20

Adopted 6/10/20

By Director Spronz

WHEREAS, under the authority of Ordinance No. 637-19, passed by the Council of the City of Cleveland on June 4, 2018, and Resolution No. 552-19, adopted by this Board of Control on November 13, 2019, the City, through its Director of Capital Projects, entered into City Contract No. PS2020*001 with Wiss, Janney, Elstner Associates, Inc. ("WJE") to perform the architectural/engineering services necessary to implement the West Side Market Capital Improvements Project; and

WHEREAS, the City requires additional architectural/engineering services for masonry deterioration that WJE discovered during its building assessment under Contract No. PS2020*001; and

WHEREAS, Wiss, Janney, Elstner Associates, Inc. has proposed by its April 29, 2020, letter to perform the above-mentioned additional services for an additional fee of \$55,000.00; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that the City, through its Director of Capital Projects, is authorized to enter into a first modification to Contract No. PS2020*001 with Wiss, Janney, Elstner Associates, Inc. for the above-described additional architectural/engineering services for an additional fee not to exceed \$55,000.00, thereby increasing the total compensation under the Contract to \$723,300.00.

BE IT FURTHER RESOLVED that the employment of the following sub-consultants for the services to be performed under the above-authorized first modification is approved:

Regency Construction Service, Inc.	CSB	\$2,500.00	4.5%
Cleveland Building Restoration	FBE	\$9,027.00	16.4%

Yeas: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard, Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 205-20

Adopted 6/10/20

By Director Menesse

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. 107-03-061 located at 971 Ida 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

WHEREAS, Max Alford and Mary Kaye Hansard have proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 9 has 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 Max Alford and Mary Kaye Hansard for the sale and development of Permanent Parcel No. 107-03-061, 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: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 206-20

Adopted 6/10/20

By Director Menesse

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. 128-12-048 located at 9608 Lamontier 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

WHEREAS, Denise Campbell has proposed to the City to purchase and develop the parcel for side yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 4 has 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 Denise Campbell for the sale of Permanent Parcel No. 128-12-048, 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: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 207-20

Adopted 6/10/20

By Director Menesse

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. 110-02-030 located at 671 East 113th Street; 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

WHEREAS, Gloria J. Jackson has proposed to the City to purchase and develop the parcel for side yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 9 has 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 Gloria J. Jackson for the sale of Permanent Parcel No. 110-02-030, 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: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 208-20

Adopted 6/10/20

By Director Menesse

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. 105-12-053 located at 1012 East 66th Place; 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

WHEREAS, Seronica Y. Powell has proposed to the City to purchase the parcel for side yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 10 has 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 Seronica Y. Powell for the sale of Permanent Parcel No. 105-12-053, 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: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 209-20

Adopted 6/10/20

By Director Menesse

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. 007-12-048 located at 2283 West 30th Street; 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, Elmhurst Homes LLC has proposed to the City to purchase and develop the parcel for new single-family construction; 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 Elmhurst Homes LLC for the sale and development of Permanent Parcel No. 007-12-048 located at 2283 West 30th Street, 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 \$11,130.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Resolution No. 210-20

Adopted 6/10/20

By Director Kennedy

BE IT RESOLVED by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 264-2020, passed by the Council of the City of Cleveland on March 23, 2020, the firm of CHA Consulting, Inc. ("Consultant") is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to provide design and construction administration services for the rehabilitation of taxiways Bravo, Echo and Foxtrot, at Burke Lakefront Airport, for the Department of Port Control.

BE IT FURTHER RESOLVED that the Director of Port Control is authorized to enter into a written contract with CHA Consulting, Inc. for the above-mentioned services, based upon its proposal dated May 24, 2020, which contract shall be prepared by the Director of Law, shall provide that the compensation to CHA Consulting, Inc. for the services authorized shall not exceed \$214,830.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by CHA Consulting, Inc. is approved:

Subconsultant	Percentage	Amount
G& T Associates, Inc.	15.4% DBE	\$33,084.00
McGuinness Unlimited, Inc.	4.9% SBE	\$10,450.00
Solar Laboratories Testing, Inc.	Non-Certified	\$36,405.00

Yeas: Directors Langhenry, Dumas, Davis, Acting Directors Shaw, Howard,
Directors Menesse, West, McNamara, Donald

Nays: None

Absent: Mayor Jackson, Directors Davis, Gordon, McGrath

Agenda of the Board of Building Standards and Building Appeals

Wednesday, June 24, 2020

Board Of Building Standards and Building Appeals
Cleveland City Hall
Room 514
216-664-2418

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

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

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

Email cdavis@city.cleveland.oh.us to receive the calendar invite (This invite is for testament/witness purposes only).

Public Hearings will be streamed live on the following formats:

TV 20: <http://www.tv20cleveland.com/watch-now/>

YouTube:

https://www.youtube.com/channel/UCex1RYSD6x-6ViP_-n2xpGg

BUILDING:	PUBLIC HEARING:	9:30 a.m.
Docket A-297-19	3726 Clark Avenue	WARD: 14 (Jasmin Santana)

Muhammed Riaz, owner of the M Mercantile – Retail Shops; Carry-Out Food Shops; One-Story Masonry Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE**, dated September 11, 2019; appellant is requesting for time to abate the violations.

Docket A-357-19 **2163 East 78th Street** **WARD: 5**
(Phyllis E. Cleveland)

Cheryl Hammons, owner of the R-2 Residential – Non-Transient Apartments (Shared Egress); Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – LEAD VIOLATION**, dated November 13, 2019, and **INTERIOR/EXTERIOR MAINTENANCE**, dated November 12, 2019; appellant is requesting for six (6) months to abate the violations.

Docket A-365-19 **11110 Detroit Avenue** **WARD: 15**
(Matt Zone)

Brenda Elner, owner of the R-2 Residential – Non-Transient Apartments (Shared Egress); Three-Story Masonry Walls/Wood Floors Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE**, dated November 19, 2019; appellant is requesting for nine (9) months to abate the violations.

Docket A-366-19 **11114 Detroit Avenue** **WARD: 15**
(Matt Zone)

Brenda Elner, owner of the R-2 Residential – Non-Transient Apartments (Shared Egress); Three-Story Masonry Walls/Wood Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE**, dated November 20, 2019; appellant is requesting for nine (9) months to abate the violations.

Docket A-367-19 **11118 Detroit Avenue** **WARD: 15**
(Matt Zone)

Brenda Elner, owner of the R-2 Residential – Non-Transient Apartments (Shared Egress); Three-Story Masonry Walls/Wood Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE**, dated November 20, 2019; appellant is requesting for nine (9) months to abate the violations.

Docket A-369-19 **2642 North Moreland Boulevard** **WARD: 4**
(Kenneth Johnson)

Hatz Two LLC, owner of the R-2 Residential – Non-Transient Apartments (Shared Egress); Three-Story Masonry Walls/Wood Floors Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE**, dated December 4, 2019; appellant is requesting for time to complete abatement of the violations.

Approval of Resolutions**Docket/s:**

A-337-19	David Blackshire
A-344-19	METOO, LLC
A-346-19	Allison Busch
A-350-19	DRLD LLC
A-352-19	Michael A. Fullum
A-355-19	Eric J. Puening
A-216-19	Ronald Jenkins
A-240-19	Roberto Crespo
A-334-19	Matthew Novak
A-335-19	Joan M. Benner
A-336-19	Steven W. Pass
A-340-19	Horizon Trust Company
A-341-19	Michael Gali
A-345-19	Tamone Enterprises, LLC
A-343-19	Tony Williams
A-347-19	Eric Dielmann
A-349-19	Stephen Greene
A-353-19	Tarik Hanafy
A-354-19	Alonzo Hudson
A-356-19	Vera L. Moore

Approval of Minutes**March 4, 2020**

MEMO

To: Tom Vanover, Commissioner/CBO

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

Date: June 24, 2020

Subject: Request for presence at board hearing

The Board of Building Standards and Building Appeals request the presence of a representative for a Public Webex Hearing on the following Docket/s from the Department of Building and Housing, and the presence of a representative from the Division of Fire on Wednesday, June 24, 2020, at approximately 9:30 a.m.

DOCKET NO.	ADDRESS	INSPECTOR/S
BUILDING:		
A-297-19	3726 Clark Avenue	F. Zekaj
A-357-19	2163 East 78th Street	J. Davis
A-365-19	11110 Detroit Avenue	M. Medancic
A-366-19	11114 Detroit Avenue	M. Medancic
A-367-19	11118 Detroit Avenue	M. Medancic
A-369-19	2642 North Moreland Boulevard	J. Davis
A-370-19	2621 North Moreland Boulevard	J. Davis
A-371-19	2622 North Moreland Boulevard	J. Davis
A-375-19	6010 Fleet Avenue	M. Medancic
A-400-19	15222 Macauley Avenue	S. Walter

Public Notice

The following meeting will be held during the COVID-19 emergency declaration, will be conducted as virtual meetings in accordance with Ohio's Open Meetings Laws as amended by Sub. H.B. 197.

The public may observe this meeting on YouTube:

<https://www.youtube.com/user/ClevelandCityCouncil>, and on Cleveland Channel 20.

For more information go to Cleveland City Council's website:

<https://www.clevelandcitycouncil.org>.

Notice of Public Hearing by the Council Committee on Development, Planning and Sustainability

June 16, 2020

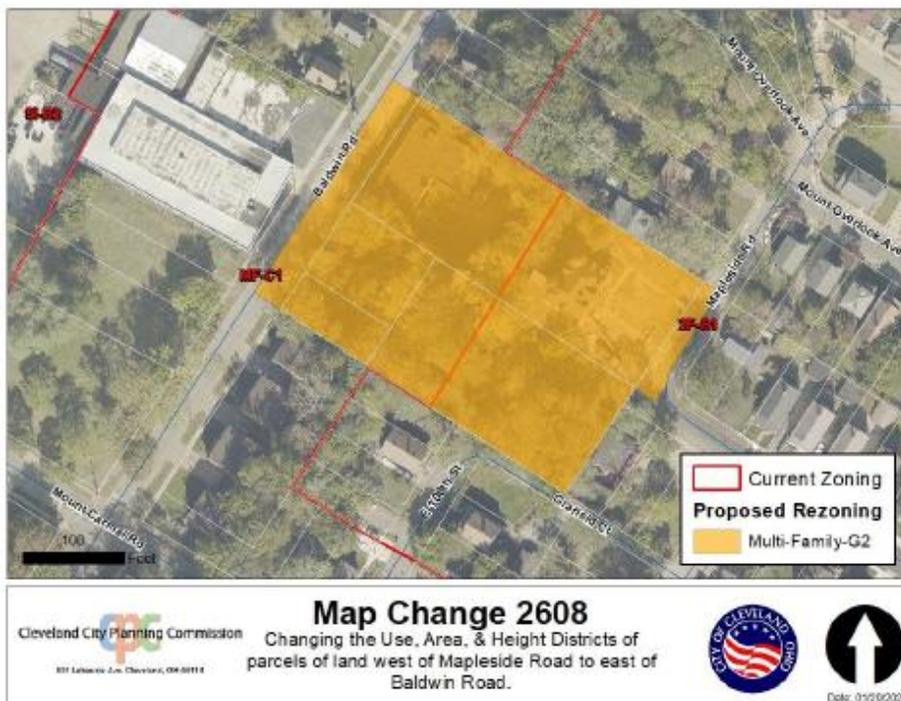
9:30 a.m.

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing on June 16, 2020, at 9:30 a.m., to consider the following ordinance now pending in the Council:

Ord. No. 206-2020

By Council Member Griffin

An ordinance changing the Use, Area, and Height Districts of parcels of land west of Mapleside Road to east of Baldwin Road as identified on the attached map (Map Change No. 2608).



There are two ways for the public to submit comments for the Committee to consider about this legislation. **Please reference the ordinance number (206-2020) and/or a description of the property (land west of Mapleside and east of Baldwin) in any communication.**

- Email: zoningcomments@clevelandcitycouncil.org
- Voicemail: 216-664-4917

In order to become part of the official record, all comments must be about this zoning ordinance and must be received by 5:00 p.m. on June 15, 2020.

*Anthony Brancatelli, Chair
Committee on Development, Planning & Sustainability*

Shared Mobility Device and Bicycle Vendor Rules and Regulations

City of Cleveland, OH June 2020

Pursuant to Section 517.04, the Director of Capital Projects (“Director”) hereby promulgates the following Rules and Regulations governing shared mobility device and bicycle vendors who are seeking a permit, or who have been issued a permit, under Chapter 517 of the Codified Ordinances.

I. Permit Term

- a. The initial permit to any shared mobility vendor shall be issued for a demonstration period of up to 6 months. A vendor that successfully completes the demonstration period, based on the performance criteria set forth in paragraph (f) below, may apply to renew the permit for an additional 6-month period, and for annual renewal permits thereafter.
- b. Permit applications shall be accompanied by an application fee of \$250 per permit requested. (A vendor desiring to operate both e-scooters and bikes (electric and/or conventional) shall apply for two permits.)
- c. Permittees agree to remit \$0.15 per ride originating in the City of Cleveland to the City on a monthly basis, together with the monthly report required in Section X, by the 31st of the following month.
- d. Any new permit applications will be held until the next permit cycle and evaluated in early Spring, 2021 according to the following permit schedule.
 - i. February 1, 2021: Permit application opens for 2021-2022 shared mobility permits
 - ii. March 1, 2021: Permit application due date
 - iii. April 1, 2021: Permit decisions for 2021-2022 permit cycle announced
 - iv. June 1, 2021: 2021-2022 shared mobility permits are effective
- e. To avoid undue congestion on the City’s rights-of-way, the City of Cleveland will issue shared mobility permits for up to a total maximum number of 2400 devices at any given time. The Director will periodically evaluate the use and occupancy of mobility devices in the right-of-way and may adjust the total number of permitted devices as necessary to serve and protect the public interest.
- f. The Director of Capital Projects’ performance criteria shall consist of the evaluation criteria contained in the City’s evaluation sheets for the permit applications, the data collected under Section X below, the permittee’s

compliance with Chapter 517 of the Cleveland Codified Ordinances, and these rules and regulations.

II. Insurance Coverage/Indemnification

- a. Each permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons (including intellectual property infringement) which may be occasioned by any activity carried on under the terms of the permit.
- b. Each permittee shall furnish and maintain public liability and property damage insurance as will protect the permittee and the City of Cleveland from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage in an amount of not less than One Million Dollars (\$1,000,000.00) on account of an accident involving injuries, including death, to one (1) or more persons and property damage insurance in an amount of not less than One Million Dollars (\$1,000,000.00), or a combined single limit of One Million Dollars (\$1,000,000.00) provided however, that this insurance requirement shall not be construed to limit permittee's indemnification obligations to the above-required limits of insurance. Such insurance shall also include the City of Cleveland, its officers, and employees, as additional insured and shall further provide that the policy shall not terminate or be canceled prior to the expiration date of the permit without thirty (30) days written notice to the Director.
- c. Any damage to City of Cleveland's property from permittee's shared mobility devices shall be paid by the permittee.
- d. Each permittee shall be and remain solely responsible to the City for the acts or faults of any its subcontractors and of such subcontractors' officers, agents and employees, each of whom shall for this purpose be deemed to be an agent or employee of permittee and shall indemnify and save harmless the City and its respective officers, agents, employees, successors and assigns, from all suits or claims that may be based upon any injury to persons or property arising out of an error, omission, or negligent act of it or its subcontractors.
- e. Each permittee shall require each of its subcontractors to maintain the types and amounts of insurance required in paragraph (b) above.
- f. Permittees shall share any information in their possession about device use with the City where there is an injury, potential claim, or lawsuit related to device use.

III. Staffing/Operations

- a. Permittees shall have staffed operations located within Cuyahoga County for maintenance and rebalancing efforts.
- b. Permittees shall provide the Director with a direct contact for staff that are capable of rebalancing and relocating improperly parked bicycles and scooters.
- c. Permittees shall provide the Director with a direct emergency contact for law enforcement to use in case of emergencies, and the name and address to which subpoenas should be sent to obtain rider information for a criminal investigation.
- d. Permittees shall have a 24-hour customer service phone number providing service in at least English and Spanish for customers to ask questions and report safety concerns, maintenance issues, and complaints.
- e. Permittees shall maintain a record of maintenance activities, including but not limited to device identification number and maintenance performed. These records shall be made available to the City of Cleveland upon request.
- f. All devices shall be maintained so as to operate in a safe and reliable manner at all times. If a device presents a maintenance concern, permittees are to immediately de-activate the device until the maintenance concern is addressed.
- g. Permittees shall participate in monthly check-in meetings with the City of Cleveland.

IV. Device Specifications

- a. All bicycles under this program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, all devices shall meet the safety standards established by the Consumer Product Safety Commission as well as those outlined by the International Organization of Standardization.
- b. All e-bikes under this program shall meet the National Highway Traffic Safety Administration's (NHTSA) definition of low-speed electric bicycles, and shall be subject to the same requirements as ordinary bicycles. This means, among other requirements, that e-bikes shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City may terminate any permit issued under this program if the battery or motor on a device is determined by the City to be unsafe for public use.
- c. Every device shall have a unique permanent identification number that is clearly displayed and visible to the user of the device, along with the permittee's logo and

24- hour customer service phone number. The unique permanent identification number must be provided to the City and must align with monthly data reports.

- d. Every device shall be equipped with GPS equipment and shall ping at a minimum of every 90 seconds while in use.
- e. Permittees must be able to remotely lock down an individual device upon notice of an issue with the device that makes it unfit for normal use.
- f. Every device shall be equipped with an adequate brake when used on a street or highway.
- g. Other Mobility Device. If the Director of Capital Projects determines that a mobility device falls within the “other similar devices” described in Section 401.231 of the Cleveland Codified Ordinances because it is substantially similar, the Director may issue a permit for such mobility device. The Director shall state “Other Mobility Device” on the permit and shall include the speed and operating hours regulations applicable to the Shared Mobility Device Vendor. The Director shall use Table 1 in making the determination.

Table 1. Other Mobility Device Regulatory Framework

Safety Parameter	Device Specifications	Regulatory Determinations
Stability: <ul style="list-style-type: none"> • Wheel diameter • Rider contact points 	<ul style="list-style-type: none"> • All wheels are < 14 inches¹ in diameter AND • Riders have 4 contact points (two hands and two feet) 	Section VIII(d): Maximum speed governed by e-scooter regulation
	<ul style="list-style-type: none"> • All wheels are ≥ 14 inches in diameter AND • Riders have 5 contact points (two hands, two feet, and a seat) 	Section VIII(d): Maximum speed governed by e-bike regulation
Visibility: <ul style="list-style-type: none"> • Rear light and reflector height from the ground 	<ul style="list-style-type: none"> • The rear light and reflector are < 14 inches² from ground level 	Section VIII(b): Operating hours governed by e-scooter regulation
	<ul style="list-style-type: none"> • The rear light and reflector are ≥ 14 inches from ground level 	Section VIII(b): Operating hours governed by e-bike regulation

¹ Consistent with minimum wheel size for a pedal bicycle.

² Consistent with minimum height recommended in the UK Road Vehicles Lighting Regulations.

V. Permitted Fleet Size

- a. Fleet minimum within the City of Cleveland: Permittees shall have a minimum fleet of 100 shared mobility devices. Permittees shall meet this fleet size within four weeks of permit issuance by the City.
- b. Permittees may request a waiver to reduce fleet sizes below 100 for longer than 5 consecutive days in the Winter season (December to March), by emailing dockless@city.cleveland.oh.us along with a brief overview of the metrics that led to this decision (ridership, workforce, device mechanics, etc.) and the approximate dates that the operational pause will be in effect. The City may, at its reasonable discretion, grant a waiver in writing after reviewing the materials submitted.
- c. Fleet maximum within the City of Cleveland: Each permit will specify a maximum permitted fleet size. New permittees, or those resuming operations after an operational pause, shall implement a phased rollout of up to 25 percent of their maximum permitted fleet per week. Permittees shall ensure their fleet size within the City of Cleveland is consistent with permitted amounts on a daily basis.
- d. After the maximum permitted fleet size is reached, permittees may request increased capacity quarterly, to be granted at the discretion of the City based on fleet performance metrics.
- e. Except for the seasonal waiver process outlined in Section V(b), permittees shall provide the City with two weeks' notice of any plans to reduce their fleet size and shall comply with any updated permit conditions prior to implementing the change.

VI. Device Deployment/Rebalancing

- a. Designated deployment/rebalancing locations will be specified to permittees via a shapefile provided by the City of Cleveland that highlights locations within commercial districts and near transit stations and bus stops, recreation centers, libraries, and parks. Permittees are required to geofence (designate geographic boundaries using GPS or RFID technology) the designated deployment/rebalancing areas in their public-facing mobile apps.
- b. Permittees shall adhere to these designated locations as provided by the City of Cleveland when setting devices out for use. Requests for additional rebalancing locations may be submitted by emailing location specifics and supporting data to dockless@city.cleveland.oh.us. The City will work with permittees to update designated locations on an ongoing basis.

- c. Permittees shall rebalance e-scooters to designated rebalancing locations daily. Each bicycle and e-bicycle in the fleet must be rebalanced to a designated rebalancing location a minimum of three times per week.
- d. Each permittee may place a maximum of three devices per permit in any given rebalancing location. (A vendor offering e-scooters and e-bikes would hold two permits, and would be authorized to place up to three e-scooters and three e-bikes in a single location.) The City will consider exceptions to this limit based on requests emailed to dockless@city.cleveland.oh.us that include location specifics and supporting data.
- e. Any device parked in the same location for 7 consecutive days shall be rebalanced to another location.
- f. To complement the City's goals around equitable transportation access, permittees must place at least 10 percent of their devices in locations within the City of Cleveland but outside of the Central Business District, Ohio City, and University Circle. (A map will be provided to permittees.) At least five percent of the permitted fleet must be maintained in locations on the east side of Cleveland, excluding the Central Business District and University Circle, and at least five percent must be maintained in locations on the west side of Cleveland, excluding Ohio City. These equity metrics must be met on a daily basis.

VII. User Parking Requirements

- a. Permittees shall provide incentives to device users who return the device to an approved deployment/rebalancing location at the end of their trips, as reported through a plan that is included in their permit applications.
- b. Permittees shall educate device users on proper parking locations, as detailed below, as reported through a plan that is included in their permit applications.
 - i. Mobility device users will be allowed to park mobility devices in any tree lawn or furniture zone area following specified clearance requirements from doorways, fire hydrants, curbs, curb ramps, and bus boarding zones.
 - ii. Parked devices shall not obstruct emergency exits or fire standpipes.
 - iii. Parked devices shall not be located within four feet of the curb or occupy any portion of the roadway.
 - iv. Parked devices shall not be permitted within six (6) feet of any fire hydrant, within five (5) feet of any driveway, within three (3) feet of any sidewalk handicap ramp, or within five (5) feet of a designated bus stop or bus shelter.

- v. Parked devices shall not be permitted at any location where the clear, continuous, unobstructed sidewalk for the passageway of pedestrians is reduced to less than six (6) feet.
- vi. Parked devices must be upright and shall not impede or interfere with the reasonable use of any bicycle rack.
- c. Permittees shall correct improperly parked devices within 2 hours of notification.

VIII. Operational Safety Requirements and Seized & Impounded Devices

- a. Any inoperable device shall be removed from the right-of-way within 24 hours of notice provided by any means to the permittee by any individual or entity, and shall be repaired before placing the device back into service.
- b. E-scooters shall only be available for rent from 5:00am to 9:00pm, and must be removed from City streets or locked down so they are inaccessible from 9:00pm to 5:00am.
- c. E-scooters shall only be rented to users who are 18 years of age or older.
- d. Electric-assist devices shall be limited to a maximum speed of 15 mph for e-scooters and 20 mph for e-bikes.
- e. Permittees shall label all devices with the following advisories, or provide the information via in-app notifications:
 - i. Wear a helmet when riding a scooter or bike.
 - ii. Follow traffic laws and do not ride on the sidewalk in business districts.
 - iii. Rent only one device at a time.
 - iv. Keep both hands on the handlebars, except when using hand signals for turning or stopping.
 - v. Do not carry anything that interferes with your ability to maintain control of the device.
 - vi. Do not wear headphones while riding.
 - vii. No distracted riding (mobile phone usage, etc.).
 - viii. Only one person per device at a time.
 - ix. Operating a scooter or bicycle after consuming drugs or alcohol may result in serious injury and legal ramifications.

- x. Failure to comply with these requirements may result in a ticket or suspension from use.
- f. By September 2020, all permittees must place their company name, scooter identification number, and contact information on each scooter in a format accessible and easily detectible by the blind. They shall also ensure that their websites and mobile applications are accessible so that blind pedestrians can easily communicate reports of misuse or injury.
- g. Permittees must provide helmets to users upon request, in accordance with the plan submitted with their permit application. Permittee shall submit a report of helmet provision to the City of Cleveland on a monthly basis.
- h. Permittees shall use geofencing or other technology to restrict device access to freeways within the City of Cleveland, within 5 days of receiving a map provided by the City of Cleveland.
- i. Permittees shall remove any problem devices, including those improperly parked or clustered, within 2 hours of notification by any individual or entity. If at any point for any reason a device is to be impounded, the process will follow standard Cleveland Division of Police protocols for towing and impounding vehicles.
- j. The City of Cleveland may seize any device and other associated equipment, whether placed with or without a permit, without prior notice if the equipment is placed in such a place or manner as to pose an immediate and serious danger to person or property, or if the condition of the equipment renders it unsafe, unsound, or hazardous so as to pose an immediate and serious danger. After seizure, the City of Cleveland shall promptly notify the permittee, and such individual shall have the right to request an informal hearing before the Director within ten (10) days after such notification to determine whether the seizure was proper.
- k. As a condition of recovering any equipment seized by the City, the permittee shall pay an impound fee covering the actual cost to the City of transporting and storing such device and other associated equipment.

IX. Geographical Restrictions

- a. Permittees shall establish geofences that restrict device use from two hours before to two hours after each special event, subject to the following:
 - i. For events at Progressive Field or Quicken Loans Arena, no use between E. 9th Street and Ontario Street on Euclid Avenue or any street to the south.

- ii. For events at First Energy Stadium, North Coast Harbor, or Burke Lakefront Airport, no use between W. 9th Street and E. 12th Street on Lakeside Avenue or any streets to the north.
- b. The City will provide a special events calendar to permittees that includes times, locations, and geofence footprints of events. While the City will make every effort to maintain an updated special events schedule, permittees are responsible for monitoring changes, including but not limited to weather postponements, and adjusting geofencing accordingly.
- c. Additional geographic restrictions may be required in certain areas of university campuses, institutions, and public spaces. Permittees shall use geofencing or other technology to restrict device access to these areas within 5 days of receiving a map provided by the City of Cleveland.

X. Data Reporting

- a. Permittees shall provide the City of Cleveland with the following monthly data formatted according to a provided template, due by the 31st of each month with the per ride fee remittance:
 - i. Number of devices in circulation in the City of Cleveland;
 - ii. Number of active riders in the City of Cleveland;
 - iii. Number of trips that began in the City of Cleveland;
 - iv. Number of trips that ended in the City of Cleveland;
 - v. Device usage, including total miles (daily/monthly/quarterly/annually) in the City of Cleveland;
 - vi. Number and duration of rides/rider/day as well as rides/device/day in the City of Cleveland;
 - vii. Monthly summary (heat maps) of device distribution and GPS- based natural movement in the City of Cleveland;
 - viii. Customer comments/complaints and resolution;
 - ix. Issues of theft/vandalism;
 - x. Maintenance performed and average repair times;
 - xi. Number of helmets distributed to users;

- xii. Details of any safety incidents, including date and time, location, device ID, traveling path, and severity;
 - xiii. Instances of illegal parking, including date and time of each parking complaint and the time to remedy the complaint; and
 - xiv. Number of users and rides taken under low-income, non-smartphone, and non-credit card program offerings.
- b. Additionally, permittees shall supply real-time and historical data to the City of Cleveland via an application programming interface (API) following the Mobility Data Specification (MDS) Provider and General Bikeshare Feed Specification (GBFS).
 - c. Permittees agree that their GBFS feeds will be made available to the public and third-party app developers by the City for the purposes of enhancing transportation choice and mode integration. The MDS Provider feed must be available to the City of Cleveland and contracted city partners through direct API access for the explicit purpose of program management. As such, these feeds must be consumable by third-party software.
 - d. All data use rights shall be maintained for at least three years after the date when permittee ceases operation in a city. Permittees shall maintain feeds and API access for historical data for at least one year after the cessation of operation or revocation of their permit.
 - e. The City may, in its sole discretion, release subsequent versions and/or updated versions of the specification and require permittees to use the most current version by releasing an automatic update and/or disabling support for the previous version.

XI. Consumer Privacy/Protections

- a. Personally identifiable information shall not be shared with the City of Cleveland or any other entity. Permittees shall ensure the privacy of their users and shall be in compliance with industry accepted practices related to privacy and safe storage of consumer data.
- b. Customers shall not be required to share personal data with 3rd parties in order to use the services.
- c. Customers shall not be required to opt-in to providing access to their contacts and other private data in order to use the services.
- d. Permittees handling credit card data shall be compliant with Payment Card Industry Data Security Standards.

XII. Permittee Fines; Permit Suspension, Revocation, & Appeal

- i. Permittees agree to remit fines for violating these Rules and Regulations to the City on a monthly basis by the 31st of the following month. Up to five rides per day in violation of each of these rules are forgivable based on technology errors or inaccuracies in GPS readings. Violations will be determined using operator-provided data feeds as determined by shared mobility data management software.
 - i. Special events geofencing: \$5 per ride violating requirements
 - ii. Institutional geofencing: \$5 per ride violating requirements
 - iii. Operating hours: \$20 per ride violating requirements
- a. A permit granted under Chapter 517 of the Cleveland Codified Ordinances may be suspended or revoked by the Director at any time if the permittee violates the conditions or Rules and Regulations of the permit. Additionally, if the operation of shared mobility device rentals on City streets and rights-of-way become a hazard or risk to the health, safety and welfare of the public, the Director may revoke existing permits and discontinue the issuance of permits under this Chapter. Upon suspension or revocation of a permit, the vendor shall, at no cost to the City, remove all shared mobility devices from the right-of-way.
- b. The Director shall give written notice of suspension or revocation of the permit to the permittee or his or her agent stating the reasons therefor. The action shall be effective upon giving such notice to the permittee or to his or her agent, and the permittee shall have five (5) business days to remove all shared mobility devices from the public right-of-way. If the business owner or operator of the equipment fails to comply, the City may seize and remove the shared mobility devices.
- c. Within five (5) days of receipt of the notice, the permittee may request a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the permittee shall be afforded the opportunity to give his or her version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to reinstate the permit or to permanently rescind it. The action of the Director may be appealed in accordance with the provisions of the Charter.

XIII. COVID-19 Protocols

- a. Permittees shall comply with all COVID-19-related public health and business guidelines established by the Centers for Disease Control and Prevention, the State of Ohio, and the Cleveland Department of Public Health.

- b. Permittees shall ensure that device contact points (including handlebars, brake levers, acceleration and bell levers) are sanitized each time they interact with the device, including for charging/battery swaps, rebalancing, or maintenance.
- c. Permittees shall communicate up-to-date public health messaging hand washing, disinfecting surfaces, social distancing, and facial coverings before and after each ride through in-app messages. Examples may include:
 - i. This is a shared scooter! Wash your hands with soap and water or use hand sanitizer with at least 60% alcohol before and after your ride.
 - ii. If possible, clean and disinfect frequently touched surfaces like handlebars and brakes before and after your ride.
 - iii. Maintain a 6-foot distance from others and wear a mask if possible.

XIV. Other Provisions

- a. Permittees shall work with the City of Cleveland to conduct a maximum of two user surveys and two employee surveys per year, upon request.
- b. This permit does not give any permittee an exclusive right to operate a shared mobility program in the City of Cleveland. The City reserves the right to limit the number of shared mobility permits within the City.
- c. The City of Cleveland reserves the right to amend these rules and regulations as needed, which will become effective seven (7) days after being published in the City Record.
- d. No permit shall be transferable in any manner.
- e. Permittees shall provide immediate written notice to the Director of any recalls of devices, assist in outreach related to a recall, and cover costs related to any necessary outreach related to a recall.
- f. Permittees agree not to engage in anti-competitive behavior with other permittees, including falsifying data and sabotaging devices.

City of Cleveland Bids

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

Section 187.10 of the Codified Ordinances: Negotiated contracts; Notice required in Advertisements for Bids

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code; each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certifications as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties.

Click on a bid below to read it:

File No. 40-20

File No. 41-20

File No. 42-20

BID OPENS – WEDNESDAY, JULY 8, 2020

File No. 40-20: Purchase of Hauling and Disposing of Water Plant Residuals (Re-Bid)

FOR THE DIVISION OF WATER FOR THE DEPARTMENT OF PUBLIC UTILITIES, AS AUTHORIZED BY ORDINANCE 724-19 PASSED BY COUNCIL JULY 24, 2019.

There will be a **NON-MANDATORY Pre-Bid Meeting**, Thursday, June 18, 2020, at 10:00 a.m. via Webex. To call into the meeting, dial **1-415-655-0003**. The access code is **160 353 9827#**.

Note: Bid must be delivered to the Office of the Department of Public Utilities, Carl B. Stokes Public Utilities Building, 1201 Lakeside Avenue, Side Entrance, Cleveland, Ohio 44114 before 12 o'clock noon (Eastern Time).

BID OPENS – WEDNESDAY, JULY 8, 2020

File No. 41-20: Labor and Materials Necessary to Provide Snow and Ice Removal Services for Various Common Use Gates at Cleveland Hopkins International Airport

FOR THE DIVISION OF AIRPORT SYSTEMS FOR THE DEPARTMENT OF PORT CONTROL, AS AUTHORIZED BY ORDINANCE 497-08, SECTION 181.101 PASSED BY COUNCIL JUNE 2, 2008.

There will be a **NON-MANDATORY Pre-Bid Meeting**, Thursday, June 25, 2020, at 2:00 p.m. via Webex. To call into the meeting, dial **1-415-655-0002**. The access code is **132 190 2792**.

Note: Bid must be delivered to the Office of the Department of Public Utilities, Carl B. Stokes Public Utilities Building, 1201 Lakeside Avenue, Side Entrance, Cleveland, Ohio 44114 before 12 o'clock noon (Eastern Time).

BID OPENS – WEDNESDAY, JULY 8, 2020

File No. 42-20: Airfield Rescue Fire Fighting Vehicle

FOR THE DIVISION OF AIRPORT SYSTEMS FOR THE DEPARTMENT OF PORT CONTROL, AS AUTHORIZED BY ORDINANCE 374-19, PASSED BY COUNCIL APRIL 22, 2019.

There will be a **NON-MANDATORY Pre-Bid Meeting**, Thursday, June 25, 2020, at 11:30 a.m. via Webex. To call into the meeting, dial **1-415-655-0002**. The access code is **132 080 0234**.

Note: Bid must be delivered to the Office of the Department of Public Utilities, Carl B. Stokes Public Utilities Building, 1201 Lakeside Avenue, Side Entrance, Cleveland, Ohio 44114 before 12 o'clock noon (Eastern Time).

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on June 3, 2020.

Click on a piece of legislation below to read it:

Ord. No. 251-2020	Ord. No. 452-2020	Res. No. 296-2020
Ord. No. 320-2020	Ord. No. 453-2020	Res. No. 465-2020
Ord. No. 337-2020	Ord. No. 454-2020	Res. No. 466-2020
Ord. No. 350-2020	Ord. No. 455-2020	Res. No. 467-2020
Ord. No. 351-2020	Ord. No. 456-2020	
Ord. No. 367-2020	Ord. No. 457-2020	
Ord. No. 371-2020	Ord. No. 458-2020	
Ord. No. 375-2020	Ord. No. 461-2020	
Ord. No. 396-2020	Ord. No. 468-2020	
Ord. No. 397-2020	Ord. No. 469-2020	
Ord. No. 398-2020	Ord. No. 470-2020	
Ord. No. 399-2020	Ord. No. 476-2020	
Ord. No. 400-2020	Ord. No. 477-2020	
Ord. No. 401-2020	Ord. No. 481-2020	
Ord. No. 450-2020	Ord. No. 485-2020	
Ord. No. 451-2020		

Ordinance No. 251-2020

By Council Members: Zone and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from the Cuyahoga County Court of Common Pleas, Juvenile Division, to conduct the 2020 Cleveland Community Diversion 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 Community Relations is authorized to apply for and accept a grant in the approximate amount of \$39,973.08, and any other funds that may become available during the grant term from the Cuyahoga County Court of Common Pleas, Juvenile Division, to conduct the 2020 Cleveland Community Diversion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the draft agreement for the Program contained in the file described below.

Section 2. That the draft agreement for the Program, File No. 251-2020-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under division (B) of Section 108 of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 320-2020

By Council Members: Zone and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Safety to donate Police Canine Dexter to Paul Shaughnessy.

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 Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to donate Police Canine Dexter to Paul Shaughnessy.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 337-2020

By Council Members: Cleveland and Kelley (by departmental request)

An emergency ordinance to amend the title and Section 1 of Ordinance No. 901-2019, passed August 21, 2019, relating to one or more contracts for the inspection, maintenance, and repair of three engineered Materials Arresting Systems.

WHEREAS, under Ordinance No. 901-2019, passed August 21, 2019, this Council authorized one or more contracts with Engineered Arresting Systems Corporation dba Safran Arresting Systems (“Safran”) for professional services necessary to inspect, maintain, and repair three Engineered Materials Arresting Systems at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

WHEREAS, Safran will be acquired by Runway Safe Group; 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 title and Section 1 of Ordinance No. 901-2019, passed August 21, 2019, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Port Control to enter into one or more contracts with Runway Safe Group for professional services necessary to inspect, maintain, and repair three Engineered Materials Arresting Systems at Cleveland Hopkins International Airport and Burke Lakefront Airport, for a period of one year with three one-year options to renew the second of which requires additional legislation.

Section 1. That the Director of Port Control is authorized to enter into one or more contracts with Runway Safe Group for professional services necessary to inspect, maintain, and repair three Engineered Materials Arresting Systems at Cleveland Hopkins International Airport and Burke Lakefront Airport on the basis of its proposals dated May 22, 2019, and June 14, 2019, for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which required additional legislation. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of

obtaining additional authority of this Council. The contract or contracts shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RLA 2019-48.

Section 2. That the existing title and Section 1 of Ordinance No. 901-2019, passed August 21, 2019, are repealed.

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

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 350-2020**By Council Member:** Griffin**An emergency ordinance to appropriate property for the public purpose of completing public road improvements located at 2275 East 101st Street.**

WHEREAS, the Council of the City of Cleveland, by Resolution No.132-2020, adopted January 27, 2020, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of completing public road improvements located at 2275 East 101st Street; and

WHEREAS, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of completing public road improvements located at 2275 East 101st Street, the following described fee simple interests are appropriated:

Permanent Parcel No. 121-19-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 93 in the Jane Sayle, etal Subdivision of part of the Original 100 Acre Lot No. 409 as shown by the plat recorded in Volume 14, Page 5 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a drill hole in a stone found in a monument box (0.14 feet south, 0.00 feet east) at the intersection of the centerline of East 101st Street (formerly Sayles Court) (formerly Sayles Street) (width varies) and the southerly right of way of Cedar Avenue (66 feet wide);

Thence South 00°57'39" East along the centerline of East 101st Street, 576.58 feet to the extension of the southerly right of way of Wain Court (formerly Wain Alley) (15 feet wide);

Thence North 88°23'11" East along said extension of the southerly right of way of Wain Court, 22.50 feet to the easterly right of way of East 101st Street;

Thence South 00°57'39" East along the easterly right of way of East 101st Street, 558.75 feet to the northwesterly corner of Sublot No. 93 in the Jane Sayle, etal Subdivision being the Principal Place of Beginning of the premises herein described;

Thence North 89°02'26" East along a northerly line of Sublot No. 93, 115.00 feet to the westerly line of the Sumner B. Day's Allotment as shown by the plat recorded in Volume 26, Page 12 of Cuyahoga County Map Records;

Thence South 00°57'39" East along said westerly line of the Sumner B. Day's Allotment, 39.98 feet to the southeasterly corner of said Sublot No. 93;

Thence South 89°02'33" West along the southerly line of said Sublot No. 93, 115.00 feet to the easterly right of way of East 101st Street;

Thence North 00°57'39" West along the easterly right of way of East 101st Street, 39.98 feet to the **Principal Place of Beginning** and containing 0.1055 acres (4,597 Square Feet) of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in May 2019, subject to all legal highways, restrictions, reservations and easements of record.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 351-2020

By Council Members: Cleveland and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Port Control to consent to the assignment of Contract No. CT 3001 PS 2018-211 from Harris Corporation to L3Harris Technologies, Inc.; and authorizing the Director of Port Control to exercise the second option to renew the contract to provide professional services necessary to maintain, install and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence.

WHEREAS, under Ordinance No. 421-18, passed May 14, 2018, this Council authorized the Director of Port Control entered into Contract No. CT 3001 PS 2018-211 with Harris Corp. fka Excelis, Inc. (“Harris Corp.”) to provide professional services necessary to maintain, install, and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence and also required further legislation before exercising the second option to renew on this contract; and

WHEREAS, on June 30, 2019, Harris Corp. merged into the combined company named L3Harris Technologies, Inc. (“L3Harris”); 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 acknowledges the name change of Harris Corp. to L3Harris and consents to assignment of Contract No. CT 3001 PS 2018-211 from Harris Corp. to L3Harris.

Section 2. That the Director of Port Control is authorized to exercise the second option to renew Contract No. CT 3001 PS 2018-211 with L3Harris to provide professional services necessary to provide, maintain, install and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence. This ordinance constitutes the additional legislative authority required by Ordinance No. 421-18 to exercise this option.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 367-2020

By Council Members: Cleveland and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. LS 2018-20 with ABM Aviation, Inc. to lease certain city-owned property in the passenger terminal building at Cleveland Hopkins International Airport.

WHEREAS, under the authority of Ordinance No. 1305-17, passed December 4, 2017, the Director of Port Control entered into Contract No. LS 2018-20 with ABM Aviation, Inc. to lease certain city-owned property located in the passenger terminal building at Cleveland Hopkins International Airport for use as office space and break room to support their wheelchair operations for Southwest Airlines and Delta Air Lines, and cleaning services, and other ancillary services; and

WHEREAS, Ordinance No. 1305-17 requires further legislation before exercising the first option to renew on this contract; and

WHEREAS, for the use of the Leased premises, ABM Aviation, Inc. shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. LS 2018-20 with ABM Aviation, Inc. to lease certain city-owned property located in the passenger terminal building at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1305-17 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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 371-2020

By Council Members: Cleveland and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with F & E Aircraft Maintenance (Miami), LLC for the lease of certain office space located at 19200 Primary Road at Cleveland Hopkins International Airport, Department of Port Control, to support their aircraft maintenance and other support services for various tenants, for a period of one year with four one-year options to renew, the second of which is exercisable with additional legislative authority.

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 a Lease Agreement (“Lease”) F & E Aircraft Maintenance (Miami), LLC (“Lessee”) for use and occupancy of approximately 1,440 square feet of office space located on the second floor of Building #101 at 19200 Primary Road at Cleveland Hopkins International Airport (“Leased Premises”) to support its aircraft maintenance and other support services for various tenants. The term of the Lease shall be for a one-year period, with four one-year options to renew, the second of which shall require additional legislative authority. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third and fourth of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That for use of the Leased Premises, Lessee shall pay the City an initial rate to be determined by an independent third-party appraisal. The rental rate for any option year exercised shall be adjusted annually on the effective date based on the United States Department of Labor, Consumer Price Index: “All Urban Consumers (CPI): Midwest Region, North Central,”; however, the rental rate shall never be lower than the rate during the initial term. The rent is payable in twelve (12) equal monthly installments.

Section 3. The Lease authorized by this ordinance 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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 375-2020

By Council Members: Cleveland and Kelley (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts of fencing, gates and guardrails, and labor and materials for the repair and maintenance of gates, fencing, guardrails and other related items, including installation if necessary, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which shall require additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period, with two one-year options to renew, the first of which shall require additional legislative authority, of the necessary items of fencing, gates and guardrails, and labor and materials for the repair and maintenance of gates, fencing, guardrails and other related items, including installation if necessary, for the various divisions of the Department of Port Control, 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 various divisions of the Department of Port Control. 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 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 3001, RL 2020-11)

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 Port Control 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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 396-2020**By Council Member:** McCormack

An emergency ordinance to amend Section 4 of Ordinance No. 464-2019, passed June 3, 2019, to remove the sunset provision of certain codified ordinance sections relating to shared mobility devices; and to amend Sections 401.231, 473.02, 473.07, 473.09, 517.02, and 517.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No 464-2019, passed June 3, 2019; to supplement the codified ordinances by adding new Sections 517.071 and 517.072, relating to shared mobility grants and contributions and fines for violating rules and regulations; and notwithstanding and as an exception to Sections 517.02 and 517.03, to authorize the Director of Capital Projects to extend the permits issued in 2019 until May 31, 2021, at no additional cost to the shared mobility device and bicycle vendors.

WHEREAS, Ordinance No. 464-2019, passed June 3, 2019, enacted new Sections 401.152, 401.153, 401.231, 473.10, and new Chapter 517, Shared Mobility Device and Bicycle Vendors, Sections 517.01 through 517.08, and amended Sections 473.01 through 473.03, 473.05, 473.07 through 473.09, 431.03, and 431.15 to regulate the vendors and use of shared mobility devices, and promote shared mobility as a way to increase connectivity and opportunity for mobility options; and

WHEREAS, Section 4 of Ordinance No. 464-2019 provides that its provisions will only be in effect for one year after its effective date, which would be June 5, 2020; and

WHEREAS, it is the intention of the Council that by amending Section 4 of Ordinance No. 464-2019 that this Council is permanently enacting its provisions until legislation to the contrary is authorized; 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 4 of Ordinance No. 464-2019, passed June 3, 2019, is amended to read as follows:

Section 4. That the provisions of this ordinance shall take effect thirty days after the effective date of this ordinance. The Director of Capital Projects shall provide the members of Council with a review of this legislation within one year after the effective date of this ordinance.

Section 2. That Sections 401.231, 473.02, 473.07, 473.09, 517.02, and 517.04,

as amended by Ordinance No. 464-2019, passed June 3, 2019, are amended to read as follows:

Section 401.231 Mobility Device

“Mobility device” means small mobility devices, such as scooters, e-scooters, e-bikes, or other similar devices. A mobility device does not include those designed solely for use by a child, those used as assistive mobility devices by persons with disabilities, or those defined as an electronic personal assistive mobility device.

Section 473.02 Operation of Bicycles, Motorcycles, Mobility Devices, and Snowmobiles

- (a) For purposes of this section, “snowmobile” has the same meaning as given that term in RC 4519.01.
- (b)
 - (1) No person operating a bicycle, mobility device, or motorcycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle, mobility device, or motorcycle other than upon a separate firmly attached and regular seat thereon, and no person shall ride upon a bicycle, mobility device, or motorcycle other than upon such a firmly attached and regular seat.
 - (2) A person operating a mobility device without a permanent and regular seat attached thereto shall not ride other than standing upon the footboard.
 - (3) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.
 - (4) No person operating a bicycle or a mobility device shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handlebars.
 - (5) No person operating an e-scooter should do so on any streets if the posted speed limit is over 35 mph unless in a dedicated bike lane or shared use path.
 - (6) No person operating an e-scooter shall exceed a speed at greater than fifteen (15) miles per hour.
 - (7) No bicycle, mobility device or motorcycle shall be used to carry more persons than the number for which it is designed and equipped. No motorcycle shall be operated on a street or highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator’s seat or saddle.

- (c) (1) Except as provided in division (c)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in division (c)(2) of this section, no person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in RC 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with rules adopted by the Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.
- (2) Division (c)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (3) A. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to RC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.
- B. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to RC 4507.05 in any of the following circumstances:
1. At any time when lighted lights are required by RC 4513.03(A)(1);
 2. While carrying a passenger;
 3. On any limited access highway or heavily congested roadway.
- (d) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.
- (e) Except as otherwise provided in this division, whoever violates division (b) or (c)(1) or (c)(3) of this section is guilty of a minor misdemeanor. If, within one

(1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (b) or (c)(1) or (c)(3) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (b) or (c)(1) or (c)(3) of this section is guilty of a misdemeanor of the third degree.

Section 473.07 Operating Bicycles, Mobility Devices and Motorcycles on Roadway

- (a) Every person operating a bicycle or mobility device upon a roadway shall ride as near to the right side of the roadway where practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles mobility devices or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on shared-use paths or parts of roadways set aside for the exclusive use of bicycles, mobility devices or motorcycles.
- (c) This section does not require a person operating a bicycle or mobility device to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or mobility device and an overtaking vehicle to travel safely side by side within the lane.

Section 473.09 Riding on Sidewalks

- (a) No person shall ride a bicycle, mobility device, skateboard or roller skates upon a sidewalk within a business district.
- (b) No person shall ride a bicycle, mobility device, skateboard or roller-skates upon a sidewalk within the City or paved area within a public park owned by the City when the Chief of Police or Traffic Control Commissioner has prohibited the riding of a bicycle, mobility device, skateboard or roller- skates thereon and, with the consent of the member or members of Council in whose ward(s) the sidewalk or paved area within a public park is located has erected signs on or along such sidewalks or paved areas setting forth such prohibition.
- (c) Whenever a person is riding a bicycle, mobility device, skateboard or roller skates upon a sidewalk within the City or paved area within a public park owned by the City, such person shall yield the right-of-way to any pedestrian and give an audible signal before attempting to overtake and pass such pedestrian.

- (d) Whoever violates this section is guilty of a minor misdemeanor.
- (e) This section shall not apply to the Cleveland Divisions of Police, Emergency Medical Services, and Fire personnel, nor to any private safety/security personnel, when personnel are acting within the scope of their official duties while riding a bicycle or mobility device

Section 517.02 Shared Mobility Device and Bicycle Vendor Permit Application

- (a) An application for a permit to operate as a shared mobility device and bicycle vendor shall be made to the Director of Capital Projects upon a form provided by the Director for that purpose. The application form shall include the following:
 - (1) The name, address, telephone number, e-mail address of the applicant and a contact person primarily responsible for the vendor's shared mobility device and bicycle operations;
 - (2) Images and descriptions of the devices and mobile application;
 - (3) Size of initial fleet at launch, including any planned fleet expansions;
 - (4) Preferred service area at launch, including any planned expansions;
 - (5) Detailed plan for educating users on proper shared mobility device operation and parking;
 - (6) Detailed plan for providing an equitable shared mobility device and bicycle service;
 - (7) Detailed plan for complying with all applicable codified ordinance requirements and rules and regulations;
 - (8) Any additional information deemed necessary by the Director.
- (b) Upon initial application, a permit shall be valid for not more than a 6-month demonstration period. Following successful completion of the demonstration period, as determined by performance criteria established by the Director of Capital Projects in the Rules and Regulations, the permittee may apply for a 6-month permit renewal. Permits may be renewed, on a form provided by the Director, provided all the requirements of this chapter are met, and no changes have been made from the previous approved application. The permit renewal fee shall be waived for the 6-month permit following the demonstration period. If there are changes to the application, a new application must be made and the appropriate permit fee shall accompany the application.

- (c) Beginning in 2021, the applications for and issuance of permits shall be in accordance with the schedules established by the Director in the rules and regulations.
- (d) Permittees must remove all devices and associated equipment within thirty (30) days after the expiration of the term.

Section 517.04 Rules and Regulations

Within thirty days after the effective date of this ordinance, the Director shall establish rules and regulations governing the operation of shared mobility device and bicycle vendors. Rules and regulations will include, but are not limited to, schedules for permit applications and issuances, applicable procedures, fee schedule, indemnification agreement, operating regulations, insurance requirements, maximum number of vendor permits, maximum number of devices, fleet maintenance requirements, data sharing plan, communications plan, and fines for violations. Such rules and regulations shall become effective seven (7) days after publication in the *City Record*. The issuance of permits and all permittees shall be subject to the rules and regulations established by the Director.

Section 3. That existing Sections 401.231, 473.02, 473.07, 473.09, 517.02, and 517.04, as amended by Ordinance No. 464-2019, passed June 3, 2019, are repealed.

Section 4. That the Codified Ordinances of Cleveland Ohio, 1976, are supplemented by adding new Sections 517.071 and 517.072 to read as follows:

Section 517.071 Shared Mobility Grants and Contributions

The Director of Capital Projects is authorized to apply for and accept from various entities, both public and private, such grants and contributions as they become available; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donors. The Director shall report the acceptance of any grant or contribution to the Clerk of Council. Funds accepted under this section shall be deposited in the Shared Mobility Fund.

Section 517.072 Fines for Violating Rules and Regulations

- (a) The Director of Capital Projects shall have the authority to set and assess fines against permittees for violations of the rules and regulations as published in the *City Record*.

- (b) The authority to assess fines under this section does not limit or affect any criminal offense, or the authority of the Director to suspend or revoke a license under Section 517.06, or any other means of enforcement of this chapter provided for in these Codified Ordinances.

Section 5. That, notwithstanding and as an exception to Sections 517.02 and 517.03, the Director of Capital Projects is authorized to extend the permits issued in 2019 until May 31, 2021, at no additional cost to the shared mobility device and bicycle vendors.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 397-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$15,300,000 for the purpose of providing funds to improve buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities, and site improvements for the purpose and authorizing related matters.

WHEREAS, this Council desires to issue bonds in an aggregate principal amount not to exceed \$15,300,000 (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. 397-2020-A; and

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

WHEREAS, the authorization for issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed \$15,300,000 for the purpose of providing funds for constructing, reconstructing, installing, renovating, enlarging and otherwise improving buildings and structures housing 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 stables, service stations, centers and facilities, waste collection, the West Side Market, Music Hall, Public Hall, transfer and disposal facilities, salt storage facilities, parking facilities and other facilities, to provide for certain architectural, engineering and other professional services related to such facilities, to improve technology used in providing City services, including computer hardware and software, 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, 2020 (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 financial 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, 2022, (iii) the final maturity date of the Bonds shall be no later than 17 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 financial 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 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 financial advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are

necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to 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 2020" 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 to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

- (a) **Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the

City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

- (b) **Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:
- (i) the Escrow Agent or Paying Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or
 - (ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed

\$15,300,000 (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 financial 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 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 her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is “deemed final” by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the “SEC Rule”). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

Section 12. Miscellaneous.

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

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

Section 13. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 14. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of

and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 15. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial 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 rating organizations, 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. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

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 and Amended Substitute Ohio House Bill 197 that was signed by the Governor of Ohio on March 27, 2020, in relation to the COVID-19 pandemic.

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.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 398-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$2,000,000 for housing and neighborhood development, and authorizing related matters.

WHEREAS, this Council desires to issue bonds in an aggregate principal amount not to exceed \$2,000,000 (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 20 years, as evidenced by the certificate contained in File No. 398-2020-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 \$2,000,000 for the purpose of providing funds to provide housing for individuals and families by constructing, renovating and rehabilitating single family homes by grants, loans, subsidies to loans and otherwise, 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 “Residential Neighborhoods 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, 2020 (the “Interest Payment Dates”), unless otherwise determined by the Director of Finance in the Certificate of Award.

The Director of Finance shall indicate in the Certificate of Award whether the Bonds are being issued as obligations the interest on which is excluded from gross income for federal income tax purposes (“Tax-Exempt Obligations”).

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 financial 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, 2022, (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 financial 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 unmaturing 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 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 financial advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the

issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to 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 2020" 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 to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

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

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

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

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed \$2,000,000 (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 financial 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 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 her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is “deemed final” by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the “SEC Rule”). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

Section 12. Miscellaneous.

- (a) Any provisions of the Codified Ordinances of the City that are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.
- (b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a)

and the third paragraph of Section 4 of the General Bond Ordinance, pursuant to Section 2 hereof.

Section 13. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 14. Federal Tax Covenants. The representations and covenants in this Section apply only if the Bonds or Notes are issued as Tax-Exempt Obligations. 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 financial 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 rating organizations, 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. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

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 and Amended Substitute Ohio House Bill 197 that was signed by the Governor of Ohio on March 27, 2020, in relation to the COVID-19 pandemic.

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.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 399-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$23,250,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.

WHEREAS, this Council desires to issue bonds in an aggregate principal amount not to exceed \$23,250,000 (the “Bonds”) to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this “Ordinance”); and

WHEREAS, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 28 years, as evidenced by the certificate contained in File No. 399-2020-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 \$23,250,000 for the purpose of providing funds to improve municipal parks and recreation facilities by acquiring, constructing, reconstructing, installing, renovating, enlarging, redeveloping and otherwise improving parks and recreation centers and areas, campgrounds, pools, playgrounds, playfields, tracks, fields, basketball and tennis courts, memorial facilities and related buildings, structures, walkways, safety surfaces, pavement, landscaping, irrigation systems and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures,

furnishings, equipment, 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 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, 2020 (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 financial 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, 2022, (iii) the final maturity date of the Bonds shall be no later than 28 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 financial 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 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 financial advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary

with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to 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 2020" 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 to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

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

instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

- (b) **Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:
- (i) the Escrow Agent or Paying Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or
 - (ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed \$23,250,000 (the "Notes") upon the direction of the Director of Finance to be set forth

in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the “Note Certificate of Award”).

- (a) **Terms of the Notes.** The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial 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 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 her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is “deemed final” by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the “SEC Rule”). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

Section 12. Miscellaneous.

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

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

Section 13. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 14. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of

and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 15. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial 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 rating organizations, 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. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

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 and Amended Substitute Ohio House Bill 197 that was signed by the Governor of Ohio on March 27, 2020, in relation to the COVID-19 pandemic.

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.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 400-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$23,500,000 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 \$23,500,000 (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 18 years, as evidenced by the certificate contained in File No. 400-2020-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 \$23,500,000 for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, driveway approaches, retaining walls, underground vaults, sidewalks, ADA ramps, bikeways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, sealing and curbing, removing and replacing trees within the public right of way, installing gutters, sidewalks and related pedestrian and cyclist improvements,

constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, installing water lines, constructing, reconstructing, replacing, renovating and improving bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing lighting and signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of 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, 2020 (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 financial 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, 2022, (iii) the final maturity date of the Bonds shall be no later than 18 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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

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

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

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, shall be credited by the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption

Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

- (b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial 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 unmaturing 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 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 financial advisor retained under authority of Section 16 hereof and the Original Purchaser’s offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and

requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to 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 2020" 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 to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

- (a) **Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the

Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

- (b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:
- (i) the Escrow Agent or Paying Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or
 - (ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed

\$23,500,000 (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 financial 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 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 her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is “deemed final” by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the “SEC Rule”). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

Section 12. Miscellaneous.

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

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

Section 13. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 14. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of

and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 15. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial 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 rating organizations, 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. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

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 and Amended Substitute Ohio House Bill 197 that was signed by the Governor of Ohio on March 27, 2020, in relation to the COVID-19 pandemic.

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.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 401-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance providing for the issuance and sale of revenue bonds in a principal amount not to exceed \$2,500,000 to provide funds for economic and community development in the city and authorizing related matters.

WHEREAS, the City is authorized by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII of the Ohio Constitution and Chapter 165 of the Revised Code, among other things, to issue bonds to acquire, construct, equip, or improve one or more projects (as defined in Section 165.01 of the Revised Code) for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio, including providing money to make loans to others for such purposes; and

WHEREAS, to create and preserve jobs and employment opportunities, the City has issued bonds under its Core City Fund Program; and

WHEREAS, the City has determined to authorize as Additional Bonds under the Trust Indenture described in Section 1 another series of Economic and Community Development Revenue Bonds (the Series 2020 Bonds) for those purposes; and

WHEREAS, it is necessary to issue the Series 2020 Bonds and to do so as soon as possible to address financing needs of pending economic and community development projects and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

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

“Bond Fund” means the Core City Program Bond Retirement Fund held by the Trustee under the Trust Indenture.

“Bond Reserve Fund” means the Core City Program Bond Reserve Fund held by the Trustee under the Trust Indenture.

“Bonds” means the outstanding the Series 2013A Bonds, the Series 2014 Bonds, the Series 2015 Bonds, the Series 2020 Bonds authorized by this Ordinance, and any subsequent series of Additional Bonds issued under the Trust Indenture.

“Book entry form” or “Book entry system” means a form or system under which (a) the ownership of book entry interests in the Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the physical Bond certificates “immobilized” in the custody of the Depository or its agent. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Bond Registrar. The book entry is the record that identifies, and records the transfer of the interests of, the owners of beneficial (book entry) interests in the Bonds.

“Certificate of Award” means the certificate authorized by Section 6, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Series 2020 Bonds and their amount, issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined in it.

“Continuing Disclosure Agreement” means the agreement authorized by Section 12, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Series 2020 Bonds in accordance with the Rule.

“Corporation” means Cleveland Citywide Development Corporation, the community improvement corporation organized under Revised Code Chapter 1724 and designated by this Council as the “agency” of the City within the meaning of Revised Code Chapter 165.

“Credit Support Instrument” means a letter of credit, an insurance policy, standby bond purchase agreement, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Series 2020 Bonds.

“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 book entry interests in Bonds or the principal of and interest on the Bonds, 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.

“Economic Development Plan” means the plan of industrial, commercial, distribution and research development prepared by the Corporation and approved by this Council.

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

“Nontax Revenues” means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt charges on the Bonds, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute;

(c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City's General Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

"Original Purchaser" means the original purchaser or original purchasers of the Series 2020 Bonds, as specified by the Director of Finance in the Certificate of Award.

"Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Trust Indenture as amended and supplemented, including by the Seventh Supplement, the Continuing Disclosure Agreement and such other proceedings of the City, including the Series 2020 Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Series 2020 Bonds.

"Program Funds" means Fund Nos. 10 SF 541, 10 SF 542, 10 SF 545, 10 SF 546, and 10 SF 550 through 10 SF 553, both inclusive, and any other funds designated by the City as Program Funds.

"Project" means each project or, collectively, all projects (as defined in Section 165.01 of the Revised Code) funded from the Series 2020 Bonds for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio, including providing money to make loans to others for such purposes, and including but not limited to the acquisition, construction, equipping, or improvement of multi-unit housing and commercial development and the preparation or remediation of sites for such purposes.

"Project Fund" means the Series 2020 Project Fund established pursuant to Section 10.

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

"Rule" means SEC Rule 15c2-12.

"Series 2013A Bonds" means the City's \$25,360,000 Taxable Economic and Community Development Refunding Revenue Bonds, Series 2013A (Core City Fund).

"Series 2014 Bonds" means the City's \$12,365,000 Taxable Economic and Community Development Refunding Revenue Bonds, Series 2014 (Core City Fund).

"Series 2015 Bonds" means the City's \$15,280,000 Taxable Economic and Community Development Revenue Bonds, Series 2015 (Core City Fund).

“Series 2020 Bonds” means the Bonds authorized by this Ordinance.

“Seventh Supplement” means the Seventh Supplemental Trust Indenture and any other Supplemental Trust Indenture providing for the terms of the Series 2020 Bonds.

“State” means the State of Ohio.

“Trust Indenture” means the Trust Indenture dated as of December 15, 2003 between the City and the Trustee, as supplemented and amended from time to time.

“Trustee” means U.S. Bank National Association, as trustee, paying agent and registrar for the Bonds under the Trust Indenture.

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

Section 2. Authorized Principal Amount and Purpose. This Council determines that each Project is a “project” as defined in Revised Code Chapter 165 and is consistent with the purposes of Section 13, Article VIII of the Ohio Constitution to benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State. It is necessary and proper and in the best interest of the City to, and the City shall, issue the Series 2020 Bonds in an aggregate principal amount not to exceed \$2,500,000 for the purpose of providing the funds necessary for the Project. The final aggregate principal amount of the Series 2020 Bonds will be determined in the Certificate of Award as provided in Section 6.

Section 3. Terms of Series 2020 Bonds. The Series 2020 Bonds shall be dated the date of issuance or such other date as is designated in the Certificate of Award. The Series 2020 Bonds shall mature on the dates and in the respective principal amounts to be determined by the Director of Finance in the Certificate of Award in accordance with her determination of the best interest of, and financial advantages to, the City; provided that the final maturity date shall be not later than 30 years from the date of issuance of the Series 2020 Bonds. The Series 2020 Bonds shall bear interest from their date at the rate or rates per year set forth in the Certificate of Award, or if any Series 2020 Bonds bear interest at a variable rate, at the rate determined pursuant to the Trust Indenture and the Certificate of Award. Interest on the Series 2020 Bonds shall be payable on the dates determined by the Director of Finance in the Certificate of Award, and the Series 2020 Bonds shall bear interest at those rates until the principal amount of the Series 2020 Bonds is paid or payment is provided for. If any Series 2020 Bonds bear interest at a fixed rate, that rate shall not exceed 8% per year (computed on the basis of a 360 day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months, unless otherwise set forth by the Director of Finance in the Certificate of Award and based on the written advice of a financial advisor, and at maturity or at any earlier redemption date. If any Series 2020 Bonds bear interest at a variable rate or rates, those rates shall not exceed that set forth below, and interest shall

be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

The Series 2020 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2020 Bonds of each series satisfy the requirements of this Ordinance. Separate series of Series 2020 Bonds may be issued at the same or different times. The Series 2020 Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and supplemental trust indenture may be delivered for each Series.

In the event that the Director of Finance, based on the written advice of a financial advisor, determines that the City's best interests will be served by causing all or a portion of the Series 2020 Bonds to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2020 Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Series 2020 Bonds shall not bear interest at a rate in excess of 25% per year. Holders of variable rate Series 2020 Bonds may be given the right to tender their variable rate Series 2020 Bonds for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Bond. If the Director of Finance designates any Series 2020 Bonds as variable rate Series 2020 Bonds, and if the holders of the variable rate Series 2020 Bonds are to be entitled to tender the variable rate Series 2020 Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Series 2020 Bonds the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a financial 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 with others in connection with the delivery of the Series 2020 Bonds, and from time to time thereafter so long as the Series 2020 Bonds are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of Series 2020 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 financial 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 Series 2020 Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Series 2020 Bonds as provided in Section 11. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of the Series 2020 Bonds, those fees and expenses shall be paid from Program Funds and Nontax Revenues appropriated for the purpose.

The Director of Finance, in connection with the original issuance of the Series 2020 Bonds, and regardless of the Series 2020 Bonds bearing interest at variable or fixed rates, is authorized to contract for one or more Credit Support Instruments, and to pay their costs from proceeds of the Series 2020 Bonds, if she determines that the Credit Support Instrument or Instruments will result in a savings in the cost of this financing to the City, based on the written advice of a financial advisor.

The Director of Finance, based on the written advice of a financial advisor, shall further determine and specify in the Certificate of Award whether any of the Series 2020 Bonds are subject to optional redemption prior to maturity or purchase in lieu of redemption, the earliest date on which redeemable Series 2020 Bonds shall be subject to prior redemption, which shall not be later than ten years from the first interest payment date, and the applicable redemption premium for the redeemable Series 2020 Bonds, which shall be not greater than 102% of the principal amount redeemed.

The Director of Finance shall indicate in the Certificate of Award whether the Series 2020 Bonds are being issued as obligations the interest on which is excluded from gross income for federal income tax purposes (“Tax-Exempt Obligations”).

Section 4. Registration, Transfer and Exchange. The Series 2020 Bonds shall be issued only as fully registered Series 2020 Bonds. The Trustee shall act as the authenticating agent, registrar, transfer agent, and paying agent for the Series 2020 Bonds, except as otherwise provided in the Trust Indenture.

Principal of the Series 2020 Bonds shall be payable when due upon presentation and surrender of the Series 2020 Bonds at the office of the Trustee designated in the Trust Indenture. Interest on each 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 Register (defined below in this Section) at the close of business on the record date provided in the Trust Indenture. The Trustee shall maintain and keep all books and records necessary for the registration, exchange, and transfer of Series 2020 Bonds as provided in the Trust Indenture (the “Register”) so long as any of the Series 2020 Bonds remain outstanding. Subject to the provisions in the Trust Indenture, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Proceedings. 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 Trustee shall be affected by any notice to the contrary, but the registration may be changed as provided in the Trust Indenture.

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.

Notwithstanding the foregoing, if and so long as the Series 2020 Bonds are issued in a book entry system, principal of and interest on the Series 2020 Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Series 2020 Bonds may be exchanged for Series 2020 Bonds of any authorized denomination upon presentation and surrender at the office designated by the Trustee, 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 Trustee.

The Series 2020 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 Series 2020 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 book entry interest owners of Series 2020 Bonds in book entry form shall have no right to receive Series 2020 Bonds in the form of physical securities or certificates; (iii) ownership of book entry 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 book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Series 2020 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 Series 2020 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 Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2020 Bonds from the Depository, and authenticate and deliver 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 also is authorized to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Series 2020 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 5. Execution of Series 2020 Bonds. Series 2020 Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall

bear the seal of the City or a facsimile thereof; provided that no Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Trustee as authenticating agent, and authentication by the Trustee shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Trustee or by any other person acting as an agent of the Trustee and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Series 2020 Bonds.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Series 2020 Bonds and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature. The Series 2020 Bonds shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single bond certificate and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Series 2020 Bonds. The Series 2020 Bonds may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Series 2020 Bonds in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Series 2020 Bonds shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. Sale of Series 2020 Bonds. The Series 2020 Bonds shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If the Director of Finance determines, based on the written advice of a financial advisor, that an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Series 2020 Bonds, the Director of Finance is hereby authorized, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Series 2020 Bonds to be prepared, and have the Series 2020 Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2020 Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a bond purchase agreement, bondholder's agreement or continuing covenants agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall

provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Series 2020 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. Security for the Bonds. The Series 2020 Bonds shall be special obligations of the City, and the debt charges on the Series 2020 Bonds, as well as the Series 2013A Bonds, the Series 2014 Bonds, the Series 2015 Bonds, and any Additional Bonds, shall be payable solely from the Net Project Revenues and the Nontax Revenues. The payment of debt charges on the Bonds is secured by the Trust Indenture and by a pledge of and lien on the Bond Fund held by the Trustee under the Trust Indenture. The Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges thereon. The Series 2020 Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the Net Project Revenues and the Nontax Revenues and are not secured by an obligation or pledge of any money raised by taxation.

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

In accordance with the Trust Indenture, there shall be deposited in the Bond Fund (i) any Net Project Revenues, and (ii) other Nontax Revenues on or prior to the date debt charges on the Bonds are due, in an amount sufficient to pay those debt charges. There shall be deposited in the Bond Reserve Fund from the proceeds of the Series 2020 Bonds or a Credit Support Instrument, the amount, if any, determined by the Director of Finance based on the written advice of a financial advisor, to enhance the marketability of the Series 2020 Bonds and to enable the City to stabilize its budget against fluctuations in the receipt of Nontax Revenues. Money in the Bond Fund and Bond Reserve Fund shall be applied and invested as provided in the Trust Indenture. Amounts drawn on the Bond Reserve Fund shall be restored to the extent, and over the period of time, provided in the Trust Indenture.

Section 8. Payment of Debt Charges on the Series 2020 Bonds. Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Series 2020 Bonds any funds or revenues from any source other than Net Project Revenues and the Nontax Revenues. Subject to the requirements of Revised

Code Section 176.04, nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Series 2020 Bonds.

The City will, solely from the proceeds of the Series 2020 Bonds or from the Net Project Revenues or the Nontax Revenues, pay or cause to be paid the debt charges on the Series 2020 Bonds on the dates, at the places and in the manner provided herein and in the Series 2020 Bonds. For that purpose, in each year while the Bonds are outstanding, this Council, after providing for the payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate Nontax Revenues required to pay, and for the purpose of paying, the debt charges due in that year on the Bonds (less other money available for the purpose) and any outstanding parity obligations payable from Nontax Revenues. Further, this Council will give effect to such appropriations in all ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt charges. The City covenants that, so long as any of the Bonds are outstanding, it shall not issue any additional obligations payable from the Nontax Revenues on a parity with the Bonds and any outstanding parity obligations payable from Nontax Revenues, unless, prior to passage of the ordinance authorizing such parity obligations, the Director of Finance shall have certified to this Council that the Nontax Revenues during the preceding calendar year, adjusted to reflect, if necessary, changes in the rates or charges resulting in the Nontax Revenues, aggregate in amount not less than 100% of the highest amount of (a) debt charges on the Bonds and (b) required payments on such proposed parity obligations and any outstanding parity obligations due in any succeeding calendar year.

Each obligation of the City required to be undertaken pursuant to this Ordinance and the Series 2020 Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation, as a duty of the City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Revised Code, providing for enforcement by writ of mandamus.

Section 9. Supplemental Trust Indenture. The City shall enter into the Seventh Supplement, supplementing the original Trust Indenture, to further provide for the terms of the Series 2020 Bonds. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Seventh Supplement in a form consistent with this Ordinance and approved by the Director of Law. The Mayor and the Director of Finance and other City officials, as appropriate, are authorized to take such actions and sign and deliver such related instruments as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 10. Project Fund; Deposit of Proceeds. The proceeds from the sale of the Series 2020 Bonds are appropriated and shall be used for the purpose for which the Series 2020 Bonds are being issued. There is created by the City, as a separate fund or account, in the custody and control of the Trustee, a fund designated the “Core City Program Series 2020 Project Fund” (the “Project Fund”). That Project Fund shall be maintained separate and apart from the fund established as the project fund for any other series of Bonds issued under the Trust Indenture. The proceeds from the sale of the Series 2020 Bonds shall be deposited in the Project Fund. Additional funds, from whatever source, may be voluntarily deposited in the Project Fund by the City. Funds in the Project Fund may be used to pay costs of a Project, or to make loans to others to pay costs of that Project, consistent with Revised Code Chapter 165, following certification of the Project by the Corporation as being in accordance with the Economic Development Plan. Moneys in the Project Fund are appropriated for, and shall be used to pay, costs of Projects consistent with the requirements of this Ordinance. The City may establish additional accounts or subaccounts within the Project Fund as necessary or convenient to ascertain the dates, amounts and sources of deposits. At such time as disbursements are to be made from the Project Fund to pay costs of a Project, the City shall direct the Trustee to transfer amounts in the Project Fund to the City for subsequent disbursement by, or reimbursement to, the City for Project purposes. Any portion of the proceeds of the Series 2020 Bonds to be used to pay interest on the Series 2020 Bonds shall be deposited in a capitalized interest subaccount of the Project Fund. Any accrued interest received from the sale of the Bonds shall be deposited in the Bond Fund.

Section 11. Conversion and Remarketing. In the event that the Director of Finance determines, based on the written advice of a financial advisor, that it is advantageous to the City to convert the interest on any Series 2020 Bonds bearing interest at variable rates to fixed interest rates for a period of time or to maturity, or to convert the interest on any Series 2020 Bonds to a different variable rate period or mode, or to terminate or take other actions with respect to any Credit Support Instrument that will require a tender and remarketing of any Series 2020 Bonds under the Trust Indenture and the Supplemental Indenture for that series of Series 2020 Bonds (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as “remarketing”), the City shall undertake the remarketing in accordance with the Trust Indenture and the Seventh Supplement. In connection with any remarketing of Bonds, the Director of Finance is authorized to take such actions that she determines, based on the written advice of a financial advisor, will facilitate the remarketing of the Series 2020 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 Series 2020 Bonds in lieu of a public offering of the Series 2020 Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a financial advisor, that it is necessary to supplement or amend the Seventh Supplement 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 Director of Finance is authorized to sign and deliver an amendment of the

Seventh Supplement, or an amended and restated Seventh Supplement, approved as to form by the Director of Law, subject to the Trust Indenture.

The Director of Finance is further authorized to satisfy any requirement for a reserve fund for any Series 2020 Bonds then outstanding under the Trust Indenture by the deposit of a Credit Support Instrument in lieu of cash, as provided in the Trust Indenture and the Seventh Supplement, and to apply cash released from a reserve fund to the payment of costs of remarketing the Series 2020 Bonds for which the interest rate has been converted from variable rates of interest to fixed rates of interest. To the extent the costs of remarketing are not paid from any cash released from a reserve fund, those costs shall be paid from Program Funds and Nontax Revenues appropriated for that purpose.

The Director of Finance is authorized to prepare one or more disclosure documents in connection with any conversion and remarketing under the same terms and conditions as set forth in Section 12 of this Ordinance with respect to Series 2020 Bonds. The Director of Finance 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 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 conversion and remarketing of any Series 2020 Bonds and to take all actions necessary to effect the conversion and remarketing of any Series 2020 Bonds under the terms of this Ordinance, the Trust Indenture and the Seventh Supplement. The Clerk of Council shall furnish the remarketing agent a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the conversion and remarketing of any Series 2020 Bonds along with such information for the records as is necessary to determine the validity of the conversion and remarketing.

Section 12. 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 Series 2020 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 Series 2020 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 her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is “deemed final” by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the “SEC Rule”). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Series 2020 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Series 2020 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 Series 2020 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 13. Federal Tax Considerations. The representations and covenants in this Section apply only if the Series 2020 Bonds are issued as Tax-Exempt Obligations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2020 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2020 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2020 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2020 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2020 Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) 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 or any other officer of the City having responsibility for issuance of the Series 2020 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2020 Bonds and any Notes as the City is permitted to 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 tax status of the Series 2020 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) 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 intended tax status of the Series 2020 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2020 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2020 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2020 Bonds and any Notes and the tax status of the Series 2020 Bonds and any Notes.

Section 14. 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 financial 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 Series 2020 Bonds (a “Credit Support Instrument”). The Director of Finance may request a rating on the Series 2020 Bonds from one or more nationally recognized rating organizations, 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 Series 2020 Bonds. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. 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 Series 2020 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 15. 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 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 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 (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 financial 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 Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that 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. The City shall receive a written opinion of a financial advisor that the payments made or 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, the credit of 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 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, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. 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 enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a financial advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) any payments made or to be made by the counterparty to the City, or by the City to the counterparty, are fair value for such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination. To the extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of the Series 2020 Bonds, those amounts shall be paid from Program Funds and Nontax Revenues appropriated for the purpose.

The City's obligations under any Hedge Agreement shall be payable from Net Project Revenues and Nontax Revenues. 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. 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 for the payment of any amounts due under any Hedge Agreement.

In the event the Director of Finance determines, based on the written advice of a financial advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in connection with any Hedge Agreement or any amendment, modification, novation or termination of any Hedge Agreement, the Director of Finance is authorized to sign and deliver a Supplemental Indenture or amendment of an existing Supplemental Indenture.

Section 16. Certifications of Community Improvement Corporation. Prior to delivery of the Series 2020 Bonds, the Core City Fund program shall be certified to be in accordance with the Plan by the Corporation as the agency of the City for industrial, commercial, distribution and research facilities development within the City. Each Project shall be so certified by the Corporation prior to receiving proceeds of the Bonds by loan or otherwise.

Section 17. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 18. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2020 Bonds authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, the Series 2020 Bonds, certificates of indebtedness, other obligations, trust indentures, or other agreements or contracts made or entered into by the City.

Section 19. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

Section 20. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council. This Council further finds and determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Series 2020 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 Series 2020 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 Series 2020 Bonds.

Section 21. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 22. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 450-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers or vendors necessary to implement various technology projects, services and upgrades to existing systems under the 2020 ITS Capital Project Plan, other related professional services to implement the Plan; and to enter into various contracts to implement this ordinance.

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

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

Section 1. That, provided this Council sells bonds authorized in 2020 that includes the purposes of this ordinance, the Director of Finance 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 implement various Technology projects, services and upgrades to existing systems under the 2020 ITS Capital Project Plan (the "Plan"). Components of the Plan include, but are not limited to, Website upgrade, fiber optic installation, replacing obsolete desktop personal computers, Data Center Network and Server Upgrades and enhancements migrating physical servers to power efficient, sustainable Blade Chassis and Virtual Servers, upgrade of SharePoint system, Software as a Service, Record Management System, WorkOrder Management, AVL System upgrade, Camera System, Voice over Internet Protocol (VoIP) telephone system, WIFI installation in City-owned and City-leased facilities, and installation of Pen-based devices, Business Intelligence System, all of the forgoing, including all associated hardware and appurtenances. Professional services needed to implement the Plan include, but are not limited to, project management, business analysis, network installation and software implementation and support services, software implementation and configuration, end user and technical staff training and registration, relocation, system design, data conversion, installation, implementation, report development and implementation, testing, technical administration, turning, maintenance services, upgrades, backup systems and services, system disaster alleviation and remediation, technical support, network administration, implementation, programming, integration, data exchange, implementation, migration, installation, design, interfacing, repair, upgrades, enhancements, end, and other related services necessary to implement the Plan.

Section 2. That, provided this Council sells bonds authorized in 2020 that includes the purposes of this ordinance, the Director of Finance is authorized to employ by contract or contracts one or more consultants, computer software developers or vendors

or one or more firms of consultants, computer software developers or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire one or more software licenses and city-wide applications, including implementation, training and technical support related to the software or applications necessary to implement the Plan, which are not obtained under a professional services contract authorized in Section 1 of this ordinance.

Section 3. The selection of the consultants, computer software developers, or vendors for the services described in Sections 1 and 2, shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants, computer software developers or vendors available for employment, as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

Section 4. That, provided this Council sells bonds authorized in 2020 that includes the purposes of this ordinance,, the Director of Finance is authorized to make one or more written standard purchase or lease contracts and one or more written requirement purchase of lease contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of the purchase, lease, or license of computer and network hardware, replacement parts, software, software licenses, software upgrades, appurtenances, related furniture, Building Equipment and Restoration, and other materials, equipment, supplies, and services necessary to implement the Plan which are not obtained under a professional services contract authorized elsewhere in this ordinance, including labor and materials, training and training materials, maintenance, and installation if necessary, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 5. That the costs of the requirement contract or contracts shall be paid from the fund or funds to which are credited the proceeds of the sale of future bonds if authorized for this purpose, and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase or procurement under the contract or contracts, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 6. 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 Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the total cost of the contracts and other expenditures authorized in this ordinance shall be paid from Fund Nos. 01-9997-6985, 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, 60 SF 001, 81 SF 001, 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 591, from the fund or funds to which are credited the proceeds of the sale of future bonds if issued for this purpose, and any other funds as approved by the Director of Finance. (RQS 1511, RLA 2020-29)

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 451-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with GARDA dba United American Security Inc. for professional services necessary to provide unarmed security services, for the various divisions of City government, for a period not to exceed six months.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with GARDA dba United American Security Inc. for professional services necessary to provide unarmed security services, for the various divisions of City government, for a period not to exceed six months. The contract or contracts shall be paid from funds approved by the Director of Finance.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 452-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing payment of membership dues of the City of Cleveland in Global Cleveland for 2020.

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 cause payment of membership dues of the City of Cleveland in the amount of \$125,000 to be made to Global Cleveland for 2020, from funds approved by the Director of Finance.

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

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 453-2020**By Council Member:** Kelley (by departmental request)**An emergency ordinance to amend Section 48 of Ordinance No. 323-15, 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 Section 48 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 858-15, passed August 19, 2015, Ordinance No. 650-16, passed June 6, 2016, Ordinance No. 1343-16, passed November 21, 2016, Ordinance No. 950-17, passed September 18, 2017, Ordinance No. 320-18, passed March 26, 2018, Ordinance No. 730-18, passed June 4, 2018, Ordinance No. 1334-18, passed November 12, 2018, and Ordinance No. 871-2019, passed August 24, 2019, is amended to read as follows:

Section 48. Hourly Rate – Cleveland Building and Construction Trades Council

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

		Effective Date	Minimum	Maximum
1	Asbestos Worker (Insulator)	8/1/20	50.67	63.34
2	Boiler Maker	1/1/20	55.54	69.42
3	Bricklayer	5/1/19	42.01	52.51
4	Bricklayer Foreman	5/1/19	43.26	53.76
5	Carpenter	5/1/20	42.96	53.70
6	Carpenter Foreman	5/1/20	44.21	54.95
7	Cement Finisher	5/1/20	42.48	53.10
8	Cement Finisher Foreman	5/1/20	43.73	54.35
9	Electrical Worker	5/1/20	48.88	61.10
10	Electrical Worker Foreman	5/1/20	50.13	62.35
11	Glazier	5/1/20	40.80	51.00
12	Ironworker	5/1/20	47.53	59.41
13	Ironworker Foreman	5/1/20	48.78	60.66
14	Painter	5/1/20	36.85	46.06
15	Painter Foreman	5/1/20	38.10	47.31
16	Pipefitter (Welder)	5/1/20	52.90	66.12
17	Pipefitter Foreman	5/1/20	54.15	67.37
18	Plasterer	5/1/20	39.73	49.66

19	Plasterer Foreman	5/1/20	40.98	50.91
20	Plumber (Welder)	5/1/20	52.38	65.47
21	Plumber Foreman	5/1/20	53.63	66.72
22	Roofer	4/28/20	43.43	54.29
23	Sheet Metal Worker	5/1/20	53.23	66.54
24	Sheet Metal Worker Foreman	5/1/20	54.48	67.79

Section 2. That existing Section 48 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 858-15, passed August 19, 2015, Ordinance No. 650-16, passed June 6, 2016, Ordinance No. 1343-16, passed November 21, 2016, Ordinance No. 950-17, passed September 18, 2017, Ordinance No. 320-18, passed March 26, 2018, Ordinance No. 730-18, passed June 4, 2018, Ordinance No. 1334-18, passed November 12, 2018, and Ordinance No. 871-2019, passed August 24, 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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 454-2020**By Council Member:** Kelley (by departmental request)**An emergency ordinance to amend Section 50 of Ordinance No. 323-15, passed March 30, 2015, 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 Section 50 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 151-16, passed February 29, 2016, Ordinance No. 1343-16, passed November 21, 2016, Ordinance No. 951-17, passed September 18, 2017, Ordinance No. 171-2019, passed February 11, 2019, and Ordinance No. 1378-2019, passed November 25, 2019, is amended to read as follows:Section 50. Hourly Rate - MCEO

Effective May 1, 2020, compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

		<u>Minimum</u>	<u>Maximum</u>
1	Construction Equipment - Group A	46.03	57.54
2	Construction Equipment - Group B	45.91	57.39
3	Master Mechanic	46.83	58.54

Section 2. That Section 50 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 151-16, passed February 29, 2016, Ordinance No. 1343-16, passed November 21, 2016, Ordinance No. 951-17, passed September 18, 2017, Ordinance No. 171-2019, passed February 11, 2019, and Ordinance No. 1378-2019, passed November 25, 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 June 3, 2020.****Effective June 9, 2020.**

Ordinance No. 455-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance approving the collective bargaining agreement with the Service Employees International Union, Local 1; and to amend Section 7 of Ordinance No. 323-15, passed March 30, 2015, 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 Service Employees International Union, Local 1, under the terms contained in File No. 000-2020-A, for the period from April 1, 2019, through March 31, 2022, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase</u>
2%	April 1, 2019
2%	April 1, 2020
2%	April 1, 2021

Section 2. That Section 7 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 491-15, passed May 4, 2015, Ordinance No. 358-17, passed April 10, 2017, Ordinance No. 823-17, passed August 16, 2017, Ordinance No 82-18, passed February 12, 2018, Ordinance No. 320-18, passed March 26, 2018, and Ordinance No. 730-18 ,passed June 4, 2018, is amended to read as follows:

Section 7. Service Employees International Union, 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:

		<u>Minimum</u>	<u>Maximum</u>
1	Animal Care Worker	16.11	17.45
2	Bridge Oilier	18.87	22.79
3	Canine Enrichment Specialist	15.61	16.94
4	Custodial Worker	17.20	19.62
5	Window Washer	17.20	23.52

Section 3. That existing Section 7 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 491-15, passed May 4, 2015, Ordinance No. 358-17, passed April 10, 2017, Ordinance No. 823-17, passed August 16, 2017, Ordinance No 82-

18, passed February 12, 2018, Ordinance No. 320-18, passed March 26, 2018, and Ordinance No. 730-18 passed June 4, 2018, 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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 456-2020

By Council Members: Johnson and Kelley (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 and off-road equipment, apparatus, 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 various divisions of City government.

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 on-road vehicles and off-road equipment, apparatus, 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 \$7,136,500, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

**2020 Enterprise Capital Vehicle Plan
Description of Equipment**

Item Number	Item Description	Division	Quantity	Estimated Cost	Extended Estimated Cost
1	Sedan	Water	4	\$27,500	\$110,000
2	SUV	Water	16	\$35,375	\$566,000
3	Cargo Van	Water	6	\$49,666	\$298,000
4	Pick up	Water	13	\$47,038	\$611,500
5	Valve Turner	Water	2	\$82,000	\$164,000
6	Pipe Repair Truck	Water	4	\$215,000	\$860,000
7	Medium Dump Truck	Water	1	\$80,000	\$80,000
8	Side-o-Matic Type Truck	Water	1	\$260,000	\$260,000
9	Tandem Axle Dump Truck	Water	3	\$275,000	\$825,000
10	Air Compressor	Water	12	\$42,800	\$513,600

11	All-Terrain Vehicle-Gator	Water	2	\$26,250	\$52,500
12	Backhoe w/ Trailer	Water	2	\$184,000	\$368,000
13	Wheel Loader	Water	1	\$200,000	\$200,000
14	Trailer	Water	1	\$22,000	\$22,000
15	Trav-L-Vac	Water	1	\$56,400	\$56,400
				CWD TOTAL	\$4,987,000
16	Sewer Cleaning Equipment	WPC	2	\$460,500	\$921,000
17	SUV 4x4	WPC	1	\$40,000	\$40,000
18	Pickup Truck	WPC	1	\$46,500	\$46,500
19	Pickup Truck Heavy Duty	WPC	2	\$67,000	\$134,000
				WPC TOTAL	\$1,141,500
20	Cargo Van- Heavy Duty	CPP	2	\$28,000	\$56,000
21	Pickup Truck- Heavy Duty	CPP	2	\$42,000	\$84,000
22	Support Vehicle	CPP	4	\$31,000	\$124,000
23	Tandem Dump Truck- M2 106 FL	CPP	2	\$133,000	\$266,000
24	47 Foot Bucket Truck- HD5500	CPP	2	\$170,000	\$340,000
25	Stake Body Truck w/ Rear Lift	CPP	1	\$68,000	\$68,000
26	Brush Chipper- Vermeer 1800XL Diesel	CPP	1	\$70,000	\$70,000
				CPP TOTAL	\$1,008,000
				GRAND TOTAL	\$7,136,500

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 is authorized to accept funds from the Northeast Ohio Regional Sewer District for the Community Cost share Program to pay for the costs of

the Water Pollution Control vehicles eligible under the program for reimbursement; and that the funds are appropriated for this purpose.

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 requirement contract or contracts shall be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the 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 5. That the cost of the standard contracts authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 58 SF 001, and any funds approved by the Director of Finance. (RQS 7015, RL 2020-28)

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 457-2020

By Council Members: Johnson and Kelley (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 and off-road equipment, apparatus, 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 various divisions of City government.

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 contracts and 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 on-road vehicles and off-road equipment, apparatus, 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 \$8,826,350, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

**2020 Capital Vehicle Plan
Description of Equipment**

Item Description	Division	Quantity	Estimated Cost	Extended Estimated Cost
Public Works				
TRUCKS HEAVY-Rear Loader w/Cart Tipper	Waste Collection	5	\$215,000.00	\$1,075,000.00
TRUCK-Medium Duty- Rear Loader	Waste Collection	1	\$130,000.00	\$130,000.00
Roll Off Boxes & Dumpsters	Waste Collection	Misc	\$25,000.00	\$25,000.00
Carts-96 Gallon	Waste Collection	2000	\$60.00	\$120,000.00
Waste Collection Total	\$1,350,000			
PASSENGER CAR	MVM	5	\$20,000.00	\$100,000.00
PASSENGER CAR (AEV)	MVM	2	\$37,500.00	\$75,000.00
LIGHT TRUCK (A)-Pickup	*MVM	2	\$35,000.00	\$70,000.00

MVM Total	\$245,000			
LIGHT TRUCK (A)-Pickup	Parking Facilities	2	\$25,000.00	\$50,000.00
Parking Facilities Total	\$50,000.00			
TRUCK/HEAVY-Single Axle Dump	Streets	2	\$195,000.00	\$390,000.00
TRUCK/HEAVY-Tandem Axle Dump	Streets	1	\$225,000.00	\$225,000.00
LIGHT TRUCK (A)- Pickup	Streets	2	\$40,000.00	\$80,000.00
STREET SWEEPER	Streets	1	\$215,000.00	\$215,000.00
PAVER	Streets	1	\$356,850	\$356,850
Streets Total	\$1,266,850			
PASSENGER VAN	Recreation	2	\$35,000.00	\$70,000.00
RIDING MOWER	Recreation	1	\$12,000.00	\$12,000.00
Recreation Total	\$82,000			
Light Truck (B)-USV	Property Management	2	\$58,000.00	\$116,000.00
Property Management Total	\$116,000.00			
TRUCK-HEAVY-Rear-Loader	Park Maintenance	1	\$155,000.00	\$155,000.00
TRACTOR	Park Maintenance	10	\$28,000.00	\$280,000.00
CUTTER/ATTACHMENTS	Park Maintenance	11	\$5,000.00	\$55,000.00
WALK BEHIND MOWER	Park Maintenance	10	\$6,000.00	\$60,000.00
RIDING MOWER	Park Maintenance	10	\$9,000.00	\$90,000.00
Park Maintenance Total	\$640,000			
UTILITY VEHICLE	Public Auditorium	1	\$9,000.00	\$9,000.00
MOBILE MAN LIFT	Public Auditorium	1	\$20,000.00	\$20,000.00
Public Auditorium Total	\$29,000.00			
MEDIUM TRUCK-Flat Bed	Traffic Engineering	1	\$80,000.00	\$80,000.00
Traffic Engineering Total	\$80,000			
LIGHT TRUCK	ITS	1	\$40,000.00	\$40,000.00
ITS Total	\$40,000			
Public Works Total	\$3,542,000			
Public Safety				
LIGHT TRUCK w/Animal Transport Module	Animal Control	1	\$65,000.00	\$65,000.00
Animal Control Total	\$65,000			
LIGHT TRUCK	Safety IT	1	\$35,000.00	\$35,000.00
Safety IT Total	\$35,000.00			
PASSENGER CAR Marked w/Police Pkg	Police	20	\$43,500.00	\$870,000.00

SUV-Marked w/ Police Pkg	Police	25	\$56,000.00	\$1,400,000.00
PASSENGER CAR Unmarked w/ Police Pkg	Police	4	\$25,000.00	\$100,000.00
SUV-Full Size w/Police Pkg	Police	1	\$60,000.00	\$60,000.00
Police Total	\$2,430,000			
Ambulance	EMS	2	\$307,000.00	\$614,000.00
Light Truck-SUV	EMS	1	\$60,000.00	\$60,000.00
EMS Total	\$674,000			
AERIAL	Fire	1	\$1,060,000.00	\$1,060,000.00
PUMPER	Fire	1	\$533,500.00	\$533,500.00
SUV-FULL SIZE-Marked	Fire	2	\$65,000.00	\$130,000.00
Fire Total	\$1,723,500			
Public Safety Total	\$4,927,500			
			Total	\$8,826,350

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 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 3. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase 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 4. That the cost of the standard contracts authorized shall be paid from Fund Nos. 11 SF 006, 01-9997-6985, and any other funds approved by the Director of Finance. (RQS 7015, RL 2020-26)

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 458-2020

By Council Member: Kelley (by departmental request)

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Oriana House for professional services necessary to provide appropriate placement for defendants to be assigned into supervised pretrial release without the sanction of incarceration and to provide related services, for the Cleveland Municipal Court, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

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, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Oriana House for professional services necessary to provide appropriate placement for defendants to be assigned into supervised pretrial release without the sanction of incarceration and to provide related services, for the Cleveland Municipal Court, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

Section 2. The cost of the contract shall not exceed \$1,000,080 and shall be paid from Fund No. 01-0115-6320, RQS 0115, RL 2020-46.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 461-2020

By Council Members: Brancatelli and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects and the Director of City Planning to establish a temporary program for the use of private parking lots, streets and other public rights-of-way, including on-street parking areas and parklets as outdoor restaurants.

WHEREAS, the World Health Organization, the United States of America, the State of Ohio, Cuyahoga County, and the City of Cleveland each have declared COVID-19 a public health emergency; and

WHEREAS, the City recognizes the economic impact of the COVID-19 crisis on local restaurants; and

WHEREAS, Governor DeWine announced that restaurants may resume outdoor and indoor dining services on May 15, 2020, and May 21, 2020, respectively; and

WHEREAS, under the Governor's order, restaurants that reopen for outdoor and indoor dining services shall follow social distancing requirements; and

WHEREAS, there is a need for additional dining space in order to maintain social distancing for the benefit of the public health, safety and welfare; and

WHEREAS, to stimulate the recovery of the restaurant business in the City and support local restaurants, the City has determined that certain provisions of City ordinances relating to outdoor restaurants should be temporarily modified; and

WHEREAS, the proposed changes related to outdoor restaurants are temporary in nature and narrowly tailored to address the negative impacts created by the COVID-19 crisis; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that the expansion of outdoor dining space is necessary to maintain social distancing, to protect the public health and safety, and to mitigate the impacts of the COVID-19 pandemic on local restaurants; now, therefore,

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

Section 1. That, notwithstanding any codified ordinance to the contrary, the Director of Capital Projects and the Director of City Planning may establish a temporary program for the use of private parking lots, streets and other public rights-of-way, including on-street parking areas and parklets (Temporary Expansion Area), as outdoor restaurants.

The duration of the Temporary Expansion Area program shall be from the effective date of this ordinance until no later than November 1, 2020.

Section 2. That, an application for a permit to operate an outdoor restaurant in a Temporary Expansion Area shall be made to the Director of Capital Projects and approved by the Director of Public Health, the Director of Public Safety, the Director of the City Planning Commission, and the Secretary of the Landmarks Commission, as applicable.

Section 3. That, any applicant with an existing outdoor restaurant permit may apply to expand its outdoor restaurant into a Temporary Expansion Area, which application shall be reviewed and approved in the same manner as a new permit under Section 2 of this ordinance.

Section 4. The Director of Capital Projects and the Director of City Planning shall establish rules and regulations for Temporary Expansion Areas, which regulations shall include, but not be limited to, the placement of barriers where the outdoor restaurant is located within a parking lot or within the parking area located in the public right-of-way, or where alcohol is served.

Section 5. That, Temporary Expansion Area permittees shall be subject to the requirements of Chapter 513 that are not inconsistent with the provisions of this ordinance and the rules and regulations established by the Director of Capital Projects and the Director of City Planning.

Section 6. That, permits issued for a Temporary Expansion Area may be revoked by the Director of Capital Projects at any time for failure to comply with the provisions of this ordinance, the codified ordinances and applicable rules and regulations of the City of Cleveland, or laws of the state of Ohio, including Ohio Department of Health orders. The permittee, within 10 days of notice of such revocation, may appeal the decision to the Board of Zoning Appeals.

Section 7. That, the Director of Capital Projects may terminate or alter use or configuration of a Temporary Expansion Area in order to facilitate public or private construction projects, road closures, or any other public purpose.

Section 8. That, at any time, the Director of Capital Projects and the Director of City Planning may re-evaluate the parameters of this program and may make adjustments as they deem necessary to protect the public interest, including, but not limited to, the reduction in Temporary Expansion Areas or the suspension of this program altogether.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 468-2020**By Council Member:** Mooney

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 11 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 Aging be authorized to enter into an agreement with Court Community Service for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 11 casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 188.

Section 3. 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 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 469-2020

By Council Members: Mayor Jackson and Kelley (by departmental request)

An emergency ordinance authorizing various City directors to apply for, accept, and expend funds, loans, and gifts that become available from Federal, State, or other public entities and private entities to respond to and mitigate the impacts of the COVID-19 pandemic, including funds to reimburse the City for costs incurred as a result of COVID-19; and authorizing the appropriate director to file and execute all agreements and documents necessary for these purposes.

WHEREAS, the World Health Organization, the United States of America, the State of Ohio, Cuyahoga County, and the City of Cleveland each have declared COVID-19 a public health emergency;

WHEREAS, in response to the COVID-19 outbreak and its impact on the economy, public health, state and local government, individuals and business, Congress has passed several acts, including the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and Congress may pass additional similar acts; and

WHEREAS, the City desires to accept grants, loans, and gifts to assist in responding to and mitigating the impacts of the COVID-19 pandemic; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that the timely authorization and the signing of the necessary agreements and documents to receive such grants, loans, and gifts to respond to and mitigate the impacts of the COVID-19 pandemic; now, therefore,

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

Section 1. That the Directors of Finance, Health, Community Development, Economic Development, Public Safety and other appropriate directors, as applicable to the duties of their departments or offices, (“Appropriate Director”) are authorized to apply for, accept, and expend Coronavirus Aid, Relief, and Economic Security (CARES) grants and any other grants, loans, or gifts from federal, state and local agencies or private entities for the purpose of responding to and mitigating the impacts of the COVID-19 pandemic for any eligible City improvements, projects, and programs, including reimbursements to the City for costs incurred by the various City departments as a result of COVID-19 (“COVID-19 Funding”); that the Appropriate Director is authorized to file and execute all documents and agreements necessary to receive, expend, and loan the COVID-19 Funding; and that the COVID-19 Funding is appropriated for the purposes described in such documents and in this ordinance.

Section 2. That the Appropriate Director is authorized to employ by contract or contracts one or more consultants or other professionals or one or more firms of consultants or other professionals necessary 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 implement the improvements, projects, and programs from COVID-19 Funding received under Section 1 of this ordinance. The selection of the professional consultants shall be made by the Board of Control on the nomination of the appropriate director.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make public improvements on public property in the City necessary to respond to the COVID-19 pandemic, for the various City departments, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for each improvement. The Appropriate Director is authorized to enter into one or more contracts for the making of each public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis, 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. The Appropriate Director is authorized to apply and pay for permits, licenses, or other authorizations to construct any such improvements.

Section 4. That the Appropriate Director is authorized to make one or more written standard contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Appropriate Director, for the purchase or rental of the necessary items of labor, materials, equipment, supplies, and services necessary to respond to and mitigate the impacts of the COVID-19 pandemic, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the appropriate department. 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. The costs of any requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase or procurement, which purchase or procurement, together with all later purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

In accordance with division (b) of Section 108 of the Charter, the Appropriate Director is also authorized to enter into agreements and sign all documents necessary to purchase these items through cooperative purchase arrangements with other government agencies.

Section 5. That the Appropriate Director is authorized to enter into one or more agreements with the federal government, the State of Ohio, Cuyahoga County, and any other public or private entity as needed for the purpose of responding to and mitigating the impacts of the COVID-19 pandemic.

Section 6. That the Appropriate Director is authorized to enter into loan, forgivable loan, or grant agreements with various agencies, corporations, individuals, or other entities to implement the purposes authorized under any grants or gifts received under this ordinance and is authorized to accept monies in repayment and to utilize repayments for making additional expenditures to implement the purposes authorized under any grants or gifts. That the Appropriate Director is further authorized to accept promissory notes, naming the City of Cleveland as payee, mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans and to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and services costs, any revenues generated as a result of charging fees, and any other program income are appropriated for additional program and operating expenses for eligible activities.

Section 7. That all agreements authorized by this ordinance shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this ordinance.

Section 8. That the cost of any expenditure incurred under this ordinance, including all contracts, shall be paid from any COVID-19 Funding received under this ordinance, from the fund or funds to which are credited the proceeds of any existing or future bond issue that includes these purposes, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.

Section 9. That this Council affirms that any funds received from Cuyahoga County from the county coronavirus relief distribution fund may be expended only to cover costs of the City of Cleveland consistent with the requirements of section 5001 of the “Coronavirus Aid, relief, and Economic Security Act,” as described in 42 U.S.C. 601(d), and any applicable regulations. That the Clerk of Council shall certify a copy of this ordinance to the Cuyahoga County Auditor and the State of Ohio Director of Budget and Management.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 470-2020

By Council Members: Johnson and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into one or more agreements with Custom Truck One Source, L.P. for the rental with purchase option of up to eight grapple trucks for the Division of Waste Collections and Disposal, Department of Public Works.

WHEREAS, the World Health Organization, the United States of America, the State of Ohio, Cuyahoga County, and the City of Cleveland each have declared COVID-19 a public health emergency; and

WHEREAS, in order to protect the health, safety and welfare of City employees, and to comply with the guidelines established by the Center for Disease Control (CDC), the Division of Waste Collection has not performed bulk pick-up services since March 2020; and

WHEREAS, the suspension of the bulk pick-up program has impacted residential property owners and has resulted in an increase in bulk waste including on vacant properties throughout the City; and

WHEREAS, grapple trucks will allow the Division of Waste Collection to continue bulk waste pick-up services while maintaining the safety protocols recommended by the CDC; and

WHEREAS, after a canvass of available sources, the City has determined that Custom Truck One Source, L.P. is able to provide rental services of grapple trucks in the quantity and time frame necessary to effectively resume bulk pick-up 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 it is determined that the within commodities are non-competitive and cannot be secured from any source other than Custom Truck One Source, L.P. (CTOS). That the Director of Public Works is authorized to make one or more written contracts with CTOS for the rental with purchase option of up to eight grapple trucks, to be procured by the Commissioner of Purchases and Supplies, for the Division of Waste Collection and Disposal, Department of Public Works for a period of one year, with two, one-year options to renew exercisable by the Director of Public Works.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006 and other funds approved by the Director of Finance.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance where adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 476-2020

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Homeland Security for 2020-21 BioWatch Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$353,195 and any other funds that become available during the grant term, from the United States Department of Homeland Security to conduct the 2020-21 BioWatch Program in accordance with the purposes set forth in the executive summary; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the executive summary for the grant.

Section 2. That the executive summary for the grant, File No. 476-2020-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under division (b) of Section 108 of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts shall be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 477-2020

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; and authorizing contracts with various entities, requirement contracts, and advertising contracts necessary to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$700,000 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the Title X Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant, File No. 477-2020-A, made a part of this ordinance as if fully rewritten, including the obligation to devote program income from first and third-party billings, estimated at \$160,000, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health is authorized to enter into one or more agreements necessary for the City to receive payments from Medicare, Medicaid and Medicaid HMOs to implement the grant as described in the file.

Section 4. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services, including lab services, needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. 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 5. 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.

Section 6. That, unless expressly prohibited by the grant agreement, under division (b) of Section 108 of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

Section 8. That the Director of Public Health is authorized to enter into one or more contracts with The MetroHealth System, a county hospital, organized under R.C. 339, the Cuyahoga County Board of Health, Lamar Advertising Company, Commuter Advertising, Inc., and UpToDate Company, to implement the grant as described in the file.

Section 9. That the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease, during the grant term, of television and radio advertising time and other media, for the Department of Public Health.

Section 10. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 11. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 12. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds, the first and third-party billings, and from the reimbursements accepted under this ordinance.

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.

Passed June 3, 2020.

Effective June 9, 2020.

Ordinance No. 481-2020

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

An emergency ordinance authorizing the Director of Public Health to enter into a tri-party agreement with the County of Cuyahoga and Case Western Reserve University, School of Medicine, for professional services necessary to continue the First Year Cleveland Program; and authorizing any agreements needed to continue the program, for a period of one year.

WHEREAS, unintended pregnancy rates in Cuyahoga County and the City of Cleveland are high and often impact high school and college completion, family stability, and health outcomes of both mother and infant; and

WHEREAS, unintended pregnancies often lead to significant premature births, which are a primary cause of the high levels of infant mortality in the region; and

WHEREAS, the City of Cleveland and Cuyahoga County formed First Year Cleveland; and

WHEREAS, Case Western Reserve University, School of Medicine (“CWRU”) has agreed to continue to serve as fiscal agent for the program, provide expertise and assistance for the First Year Cleveland Program, and work with First Year Cleveland’s Advisory Council; 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 Health is authorized to enter into a tri-party agreement with the County of Cuyahoga and CWRU to continue the First Year Cleveland Program. The agreement will provide, among other things, that CWRU will serve as fiscal agent for First Year Cleveland and provide expertise and assistance for the First Year Cleveland Program, for a period of one year. CWRU agrees to provide in-kind support and services and work with First Year Cleveland’s Advisory Council to design the First Year Cleveland Program and staffing plan based on outcome measurements set forth by the Advisory Council. A program summary is placed in File No. 481-2020-A.

Section 2. That the Director of Public Health is authorized to enter into any agreement or agreements with other agencies or entities needed to implement this ordinance.

Section 3. That the costs of the agreement shall not exceed \$500,000 and shall be paid from Fund No. 01-5005-6320, RQS 5005, RL 2020-49.

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 June 3, 2020.

Effective June 9, 2020.

Ordinance No. 485-2020

By Council Members: Zone and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance for the Operation Relentless Pursuit Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, or services needed and authorizing the director to enter into one or more contracts with various agencies or entities to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,428,571, and any other funds that may become available during the grant term from the United States Department of Justice, Bureau of Justice Assistance to conduct the Operation Relentless Pursuit Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary and budget for the grant contained in the file described below.

Section 2. That the summary and budget for the grant, File No. 485-2020-A, made a part of this ordinance as if fully rewritten is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, or services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. 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 5. 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.

Section 6. 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 Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Safety is authorized to enter into one or more contracts with various entities and agencies, including but not limited to, the Cuyahoga Metropolitan Housing Authority, Ohio Adult Parole Authority, Ohio State Highway Patrol, Ohio Investigative Unit, and the Cuyahoga County's Sheriff's Office to implement the grant as described in the file.

Section 8. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 3, 2020.

Effective June 9, 2020.

Resolution No. 296-2020

By Council Members: Griffin, B. Jones, Kelley, J. Jones, Bishop, McCormack, Johnson, Cleveland, Polensek, Conwell, Hairston, Mooney, Brancatelli, Santana, Zone, Kazy and Slife

An emergency resolution declaring racism a public health crisis and establishing a working group to promote racial equity in the City of Cleveland.

WHEREAS, there is clear data that racism negatively impacts the lives of people of color in this City and throughout Cuyahoga County; and

WHEREAS, almost all of the 400 years of black America's experience was under slavery and Jim Crow laws which allowed preferential opportunity to some while at the same time subjected people of color to hardship and disadvantage in all areas of life; and

WHEREAS, still now, racism—not race—causes disproportionately high rates of homelessness, incarceration, poor education and health outcomes, and economic hardship for African Americans; and

WHEREAS, racism acts on systemic, institutional and interpersonal levels, all of which operate throughout time and across generations; and

WHEREAS, this Council believes that the time is now to declare racism a public health crisis in our community; and

WHEREAS, the World Health Organization defines “public health” as “the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society” and those efforts “aim to provide conditions under which people can... be healthy, improve their health and well-being, or prevent the deterioration of their health”; and

WHEREAS, the United States Office of Disease Prevention recognizes that discrimination negatively impacts health outcomes; and

WHEREAS, the Social Determinants of Health—the social and material factors that influence health outcomes—impact life-long outcomes beginning even before birth; and

WHEREAS, the Boston Public Health Commission states that racism impacts Social Determinants of Health, including Social Capital, Education, Transportation, Employment, Food Access, Health Behaviors, Socioeconomic Status, Environmental Exposure, Access to Health Services, Housing, and Public Safety; and

WHEREAS, the negative repercussions of historical racism, including but not limited to discriminatory lending practices of the 20th century known as “redlining,” impact

current outcomes regarding access to nutritious food, economic security, educational achievement, rates of lead poisoning, and infant mortality; and

WHEREAS, research indicates that adverse childhood experiences are disproportionately experienced by black children when compared to white children thus having negative impacts on academic, behavioral and physical health outcomes of black children; and

WHEREAS, statistics show a national disparity between black and white infant mortality rates, and the State of Ohio consistently ranks among the worst states concerning black infant mortality rates; moreover, in 2015 Cuyahoga County had the worst black infant mortality rate in the State of Ohio; and

WHEREAS, Cuyahoga County has nearly 12 times as many black youths incarcerated than white youths; and

WHEREAS, the rate of poverty in the Cleveland metropolitan area for black residents is nearly twice that of white residents, and the median income for white residents is over twice that of black residents; and

WHEREAS, the rates of chronic diseases, including asthma, diabetes and hypertension, are significantly higher in predominantly black neighborhoods of Cleveland; and

WHEREAS, the life expectancy of black residents of Cleveland is six years less than that of their white neighbors; and

WHEREAS, this Council recognizes that racism is a public health crisis that affects all members of our society both on a local level and nationwide and deserves action from all levels of government and civil society; and

WHEREAS, this Council supports the establishment of a working group to address these issues and to: seek solutions to reshape the discourse and actively engage all citizens in racial justice work; continue to work to build alliances with organizations that are confronting racism and encourage partners to recognize racism as a public health crisis; continue to promote racially equitable economic and workforce development in Cleveland; continue to promote racially equitable hiring and promotion of all employees including City employees; and advocate and draft relevant policies that prioritize the health of people of color and mitigate exposure to adverse childhood experiences and trauma in childhood; 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 declares racism to be a public health crisis and will establish a working group to promote racial equity in the City of Cleveland.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the NAACP Cleveland Branch, Urban League of Greater Cleveland, YWCA of Greater Cleveland, First Year Cleveland, Birthing Beautiful Communities, and United Way of Greater Cleveland.

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 June 3, 2020.

Effective June 9, 2020.

Resolution No. 465-2020

By Council Members: Zone, Kelley and Cleveland

An emergency resolution condemning Norfolk Southern Corporation for rerouting daily trains carrying highly toxic flammable crude oil and ethanol through the City of Cleveland, without public notice; strongly urging Norfolk Southern Corporation to immediately cease this rerouting; urging Norfolk Southern Corporation to withdraw its request to the Federal Railroad Administration to reduce the rail and traffic handling capacity of the only reliever route between Chicago and Pittsburgh, thus causing more traffic through Cleveland; and further urging that all hazardous materials shipments not originating or terminating in the City of Cleveland be moved to less populous routes.

WHEREAS, on April 7, 2020, without public notice, Norfolk Southern Corporation (NS) permanently rerouted through the City of Cleveland several daily trains in each direction, each comprised entirely of more than 100 tank cars filled with highly toxic and flammable crude oil and ethanol, as well as empty backhauls; and

WHEREAS, these trains travel between the Bakken Region of North Dakota and refineries near Philadelphia; each railroad tank car carries about 30,000 gallons of product while each train carries about 3 million gallons; when combined with existing traffic through Cleveland, more than 10 million gallons of crude oil or ethanol pass through Cleveland each day; and

WHEREAS, these loaded oil and ethanol trains have been permanently rerouted from a much less populated route called the Fort Wayne Line, going through Fort Wayne, Indiana, and travelling east through the cities of Lima, Mansfield and Canton, Ohio; as of April 7, 2020, the trains began traveling east of Fort Wayne through the cities of Fostoria, Bellevue, Vermilion, Elyria, Berea, Brook Park, Cleveland, Garfield Heights, Maple Heights, Bedford, Macedonia, Hudson and on the way to near Pittsburgh; and

WHEREAS, the crude oil and ethanol trains have been rerouted from a rail corridor through nine Ohio counties (Van Wert, Allen, Hardin, Wyandot, Crawford, Richland, Ashland, Wayne, Stark) with a combined population of 892,077 to a rail corridor through 12 Ohio counties (Paulding, Putnam, Hancock, Seneca, Sandusky, Huron, Erie, Lorain, Cuyahoga, Summit, Portage, Stark) with a combined population of 3,558,133; and

WHEREAS, the crude oil and ethanol trains cross over several rivers near their Lake Erie mouths, most especially the Cuyahoga River in downtown Cleveland.; the trains cross the Cuyahoga River on a lift bridge at its mouth, only three nautical miles from the Lake Erie water intake crib which provides Greater Cleveland with most of its water supply; and

WHEREAS, the rerouted NS crude oil and ethanol trains travel within a few feet of the Greater Cleveland Regional Transit Authority's (GCRTA) Red Line rapid transit for 6.5 miles with no physical barrier between the two rail corridors to prevent derailed freight cars, each weighing up to 125 tons, to enter the path of GCRTA trains that carry more than 20,000 passengers each weekday; and

WHEREAS, the rerouted crude oil and ethanol trains through Cleveland also cause these dangerous shipments to share tracks with four nightly Amtrak passenger trains that carry more than 600,000 travelers per year, or an average of 1,600 passengers per night; and

WHEREAS, in July 2012, 17 cars of an NS freight train derailed due to a broken rail near the Ohio State Fairgrounds in Columbus; tank cars carrying ethanol caught fire and exploded, forcing the evacuations of more than 100 homes; that train had a variety of rail cars and shipments in it, unlike the trains that are being rerouted through Cleveland which are comprised entirely of over 100 tank cars carrying crude oil and ethanol; and

WHEREAS, in October 2007, two ethanol tank cars in a 112-car CSX freight train ruptured and caught fire during a derailment of 31 cars in Painesville, Ohio, forcing the evacuations of 1,300 residents within a half-mile of the scene; the incident was caused by the incorrect installation of a new rail; firefighters were able to keep the ethanol cars cool to prevent explosions and created a makeshift dam to prevent leaking hazardous materials from poisoning the Mentor Marsh; and

WHEREAS, additionally, on March 20, 2020, NS filed with the Federal Railroad Administration a request to reduce the rail traffic handling capacity of NS's only bypass route around Greater Cleveland; this was the route that NS's crude oil and ethanol trains had been using until April 7, 2020.

WHEREAS, specifically, NS has requested permission to remove about 33 miles of parallel second main track over a 100-mile section of its Fort Wayne Line route between mileposts 84.8 (near Alliance, Ohio) and 188.3 (near Crestline, Ohio); this second main track allows two trains traveling in opposite directions to safely pass each other; the loss of this second main track would greatly reduce the rail traffic handling capacity of this route which is NS's only reliever route between the nation's rail and traffic interchange gateway in Chicago and NS's major rail yard at Conway, PA near Pittsburgh; and

WHEREAS, downgrading the Fort Wayne Line east of Crestline, Ohio will permanently and significantly diminish the capacity of NS's only bypass route around Greater Cleveland and the only traffic congestion and emergency relief route for NS's very busy Chicago Line (west of Cleveland) and Cleveland Line (east of Cleveland) into Conway Yard and points East; 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 condemns Norfolk Southern Corporation for rerouting daily trains carrying highly toxic flammable crude oil and ethanol through the City of Cleveland, without public notice; strongly urges Norfolk Southern Corporation to immediately cease this rerouting; urges Norfolk Southern Corporation to withdraw its request to the Federal Railroad Administration to reduce the rail and traffic handling capacity of the only reliever route between Chicago and Pittsburgh, thus causing more traffic through Cleveland; and further urges that all hazardous materials shipments not originating or terminating in the City of Cleveland be moved to less populous routes.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to: Norfolk Southern Corporation c/o Marque Ledoux, Vice President, government relations; the Federal Railroad Administration; the U.S. Surface Transportation Board; the Public Utilities Commission of Ohio; the Ohio Rail Development Commission; Congresspersons Marcy Kaptur, Marcia Fudge, Bob Gibbs, David Joyce and Tim Ryan; Senators Sherrod Brown and Rob Portman; and all members of the Ohio General Assembly whose districts include the City of Cleveland.

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 June 3, 2020.

Effective June 9, 2020.

Resolution No. 466-2020**By Council Member:** Kelley**An emergency resolution fixing the date of the next regular meeting of Council.**

WHEREAS, pursuant to Council Rule 5, regular meetings of the Council are held on Mondays at 7:00 pm unless otherwise ordered by motion, resolution or ordinance; 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, the next regular meeting of the Council, to be held during the COVID-19 emergency declaration, will be conducted as a virtual meeting in accordance with Ohio's Open Meetings Laws as amended by Sub. H.B 197; and shall be held on June 17, 2020.

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to the meeting date.

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 June 3, 2020.**Effective June 9, 2020.**

Resolution No. 467-2020

By Council Member: Kelley (by departmental request)

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2021 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 2021 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. 467-2020-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.

Adopted June 3, 2020.

Effective June 9, 2020.

Directory of City Officials

City Council

601 Lakeside Avenue
Room 220
Cleveland, OH 44114

Phone: 216.664.2840

President of Council – Kevin J. Kelley

City Clerk, Clerk of Council – Patricia J. Britt

Name	Ward
Joseph T. Jones	1
Kevin L. Bishop	2
Kerry McCormarck	3
Kenneth L. Johnson, Sr.	4
Phyllis E. Cleveland	5
Blaine A. Griffin	6
Basheer S. Jones	7
Michael D. Polensek	8
Kevin Conwell	9
Anthony T. Hairston	10
Brian Mooney	11
Anthony Brancatelli	12
Kevin J. Kelley	13
Jasmin Santana	14
Matt Zone	15
Brian Kazy	16
Charles Slife	17

Permanent Schedule – Standing Committees of the Council 2018-2021

MONDAY – Alternating

9:30 A.M. – **Health and Human Services Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Conwell, B. Jones, Hairston, Santana, Zone.

9:30 A.M. – **Municipal Services and Properties Committee:** Johnson (CHAIR), J. Jones (VICE-CHAIR), Bishop, Brancatelli, Hairston, Kazy, Mooney.

MONDAY

2:00 P.M. – **Finance Committee:** Kelley (CHAIR), Zone (VICE-CHAIR), Brancatelli, Cleveland, Conwell, Griffin, Kazy, McCormack, Mooney.

TUESDAY

9:30 A.M. – **Development, Planning, and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Griffin, Hairston, B. Jones, Slife, McCormack.

TUESDAY – Alternating

1:30 P.M. – **Utilities Committee:** Kazy (CHAIR), Bishop (VICE-CHAIR), Hairston, McCormack, Polensek, Santana, Slife.

1:30 P.M. – **Workforce and Community Benefits Committee:** Bishop (CHAIR), Cleveland (VICE-CHAIR), Griffin, B. Jones, J. Jones, Mooney, Slife.

WEDNESDAY – Alternating

10:00 A.M. – **Safety Committee:** Zone (CHAIR), Polensek (VICE-CHAIR), Bishop, B. Jones, J. Jones, Kazy, Santana.

10:00 A.M. – **Transportation Committee:** Cleveland (CHAIR), Slife (VICE-CHAIR), Bishop, Conwell, Johnson, J. Jones, Santana.

The following Committees meet at the Call of the Chair:

Mayor’s Appointments Committee: Kazy (CHAIR), Brancatelli, Cleveland, Kelley, Mooney.

Operations Committee: McCormack (CHAIR), Griffin, J. Jones, Kelley, Zone.

Rules Committee: Kelley (CHAIR), Cleveland, Hairston, Polensek, Slife.

City Departments

City Hall
601 Lakeside Avenue
Cleveland, OH 44114

MAYOR – Frank G. Jackson

Sharon Dumas, Interim Chief of Staff

Darnell Brown, Chief Operating Officer

Valarie J. McCall, Chief of Communications, Government & International Affairs

Monyka Price, Chief of Education

Jason Woods, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs

Edward W. Rybka, Chief of Regional Development

Tracy Martin-Thompson, Chief of Prevention, Intervention and Opportunity for
Youth and Young Adults

Sheryl Nechvatal, Executive Assistant to the Mayor

Martin Flask, Project Coordinator

Jaqueline Sutton, Manager – Mayor’s Action Center (MAC)

AGING – Mary McNamara, Director

Victoria Corrigan, Administrative Manager

Jennifer Rosich, Administrative Manager

Adam Cisler, Administrative Manager

Tanesha Hunter, Administrative Manager

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Joseph F. Denk, Mechanical Engineer and Chairman

Howard Bradley, Builder

Patrick M. Gallagher, Labor Representative

Robert Maschke, Architect

BOARD OF ZONING APPEALS

Carol A. Johnson, Chairman

Tim Donovan

Myrline Barnes

Kelley Britt

Alanna Faith

BUILDING AND HOUSING – Ayonna Blue Donald, Director

Divisions:

Anthony Scott, Assistant Director

Navid Hussain, Commissioner, Construction Permitting

Richard Riccardi, Assistant Commissioner, Construction Permitting

Thomas E. Vanover, Commissioner, Code Enforcement

Karen L. Lopez, Administrative Assistant

CITY PLANNING COMMISSION – Freddy L. Collier, Jr., Director

Members: David H. Bowen, Lillian Kuri, Gloria Jean Pinkney, Council Member

Charles Slife, Diane Downing, August Fluker.

CIVIL SERVICE COMMISSION

Michael Spreng, Secretary

Lila Abrams-Fitzpatrick, Administrator

Munday Workman, Supervisor of Civil Service Records

Lisa Meece, Chief Examiner

COMMUNITY DEVELOPMENT – Tania Menesse, 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 RELATIONS BOARD – Grady Stevenson, Jr., Director

Members: Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas,

Jr., Vice-Chairman; Council Member Kevin L. Bishop, Roosevelt E. Coats, Jenice

Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton,

Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Council Member Jasmin Santana, Peter Whitt, Ted Wammes.

ECONOMIC DEVELOPMENT – David Ebersole, Director**FINANCE** – Sharon Dumas, Director**Divisions:**

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

City Treasury – James Hartley, Treasurer

Financial Reporting and Control – James Gentile, Controller

Information Technology and Services

Donald-Anthony Phillips, Chief Information Officer

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 – Nassim Lynch, Tax Administrator

Treasury – James Hartley, Treasurer

HUMAN RESOURCES – Nycole West, Director**LAW** – Barbara Langhenry, Director

Gary Singletary, Chief Counsel

Ronda Curtis, Chief Corporate Counsel

Thomas Kaiser, Chief Trial Counsel

Karrie Howard, Chief Assistant Prosecutor

Robin Wood, Law Librarian

MAYOR'S OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director**Divisions:**

Architecture and Site Development – Carter Edman, Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

MAYOR'S OFFICE OF EQUAL OPPORTUNITY – Melissa K. Burrows, Ph.D.,

Director

MAYOR'S OFFICE OF QUALITY CONTROL AND PERFORMANCE

MANAGEMENT – Sabra T. Pierce-Scott, Director

PHOTO LAB – William Rieter, Chief Photographer

Ruggero Fatica, Photographer

Clare Walters, Chief Clerk

PORT CONTROL – Robert Kennedy, Director, Cleveland Hopkins International
Airport

Divisions:

Cleveland Hopkins International Airport & Burke Lakefront Airport – Khalid Bahhur,
Commissioner of Airports

Burke Lakefront Airport – Tony Campofredano, Airport Leader

PUBLIC HEALTH – Merle Gordon, Director

Divisions:

Air Quality – David Hearne, Interim Commissioner

Environment – Brian Kimball, Commissioner

Health – Persis Sosiak, Commissioner

Vital Statistics – Andrea Kacinari, City Registrar

PUBLIC SAFETY – Michael C. McGrath, Director

Divisions:

Animal Control Services – Colleen Siedecki, Chief Animal Control Officer

Emergency Medical Service – Nicole Carlton, Commissioner

Emergency Operations Center – Laura Palinkas, Assistant Director

Fire – Angelo Calvillo, Chief

Police – Calvin D. Williams, Chief

Professional Standards – George Coulter, General Manager of Administrative
Services

PUBLIC UTILITIES – Robert L. Davis, Director

Divisions:

Cleveland Public Power – Commissioner

Radio Communications – Brad Handke, Manager

Security – Robert Jarvis, Chief

TV 20 – Kathy Allen, General Manager

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

Cleveland Water – Alex Margevicius, Commissioner

Water Pollution Control – Rachid Zoghaib, Commissioner

PUBLIC WORKS – Michael Cox, Director

Offices:

Administration – John Laird, Manager

Public Auditorium

Susie Claytor, Deputy Commissioner, Public Auditorium

Samuel Gissentaner, Commissioner, Recreation

Esha Hand, Manager of Special Events

Felicia Hall, Manager, West Side Market

Divisions:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Kim Johnson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Streets – Randell Scott, Acting Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Paul Alcantar, Commissioner

WORKFORCE DEVELOPMENT & OHIO MEANS JOBS –

CLEVELAND/CUYAHOGA COUNTY – Grace A. Kilbane, Executive Director

Cleveland Municipal Court Justice Center – 1200 Ontario Street

Judge	Courtroom
Presiding and Administrative Judge Michael D. Earley	14-C
Judge Pinkey S. Carr	15-C
Judge Marilyn B. Cassidy	13-A
Judge Emanuella Groves	14-B
Judge Lauren C. Moore	15-A
Judge Michael L. Nelson, Sr.	12-A
Judge Ann Clare Oakar	14-A
Judge W. Mona Scott (Housing Court Judge)	13-B
Judge Charles L. Patton, Jr.	13-D
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	12-B
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/>