

The City Record

Official Publication of the Council of the City of Cleveland



February the Seventh, Two Thousand and Seven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

Ward	Name
1	Nina Turner
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1136 East 98th Street	44108
9	Kevin Conwell.....	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins.....	3104 Mapledale Avenue	44109
16	Kevin J. Kelley.....	6608 Woodhaven Avenue	44144
17	Matthew Zone.....	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

City Clerk, Clerk of Council – Emily Lipovan, 216 City Hall, 664–2840
 First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson
 Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
 Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
 DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Director, 1201 Lakeside Avenue
 DIVISIONS – 1201 Lakeside Avenue
 Cleveland Public Power – Ivan Henderson, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – John Christopher Nielson, Commissioner
 Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director
 Cleveland Hopkins International Airport, 5300 Riverside Drive
 Burke Lakefront Airport – Khalid Bahur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113
 DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
 Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randall T. Scott, Commissioner, Room 25
 Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
 Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.
 DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230
 DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director
 Cleveland Convention Center, Clubroom A, 1220 East 6th Street
 DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Parking Facilities – Leigh Stevens, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Public Auditorium – East 6th Street and Lakeside Avenue
 Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
 Recreation – Kim Johnson, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
 Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
 DIVISIONS: Administrative Services – Terrence Ross, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Brian A. Reilly, Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; _____, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director _____; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Council Member Joe Cimperman.

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connolly, Hillary S. Taylor.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member _____, Ed Romero.

FAIR HOUSING BOARD – Charles See, Chair; _____, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley; Councilman Nina Turner.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – India Pierce Lee, Chair; Laura M. Noble, Vice Chair; Robert Brown, Thomas Coffey, Jennifer Coleman, Lee, Michael Rastatter, Jr., John Torres, Ari Maron, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael Ryan	12A
Judge Angela R. Stokes	15C
Judge Joan Synenberg	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

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Vol. 94

WEDNESDAY, FEBRUARY 7, 2007

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CITY COUNCIL

MONDAY, FEBRUARY 5, 2007

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; White, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Turner.

9:30 A.M. — **Health & Human Services Committee:** Britt, Chair; Cleveland, Vice Chair; Conwell, Kelley, Reed, Santiago, Westbrook.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Turner, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Lewis, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Britt, Cleveland, Dolan, Turner.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Britt, Coats, Cummins, Kelley, Polensek, Santiago, Turner.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cleveland, Cummins, Dolan, Kelley, Polensek, Santiago, Westbrook.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair, Westbrook, Vice Chair, Conwell, Dolan, Lewis, Reed, Zone.

The following Committees are subject to the Call of the Chair:

Rules Committee: Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

Personnel and Operations Committee: Sweeney, Chair; Britt, Kelley, Pierce Scott, Santiago, Westbrook, White.

Mayor's Appointment Committee: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 5, 2007

The meeting of the Council was called to order, The President, Martin J. Sweeney, in the Chair.

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Reed, Santiago, Pierce Scott, Sweeney, Turner, Westbrook, White and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Government Affairs; Tracy Y. Martin, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Debra Linn Talley, Director of Equal Opportunity; Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Reilly, Fumich, Guzman, Griffin, Brown and Rebecca Schaltenbrand, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Janie Whitehead of Progressive Evangelist Temple, located at 11307 Kinsman Road, located in Ward 3. Pledge of Allegiance.

MOTION

On the motion of Council Member Pierce Scott, the reading of the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member Kelley.

COMMUNICATIONS

File No. 229-07.

From Councilman Matthew Zone — Vicious Dogs Report. Received.

File No. 230-07.

From the Division of Engineering and Construction, Department of Public Service — Cuyahoga County Engineer's Office Preconstruction Notice for Berea Road from Triskett Road to Detroit Avenue in the Cities of Cleveland and Lakewood. Received.

File No. 231-07.

From Cleveland Municipal School District — Safety Indicator Report for AY 06-07. Received.

File No. 232-07.

From University Hospitals — Every Child Deserves Health Care Coverage — State Children's Health Insurance Program. Received.

File No. 233-07.

From Cleveland Housing Network — 2006 Community Report, 25th Anniversary. Received.

File No. 234-07.

From Cleveland Housing Network, Inc. — Rainbow Apartments Public Notification Letter. Received.

File No. 235-07.

From Famicos Foundation — University Tower Apartments (1575 East Boulevard). Received.

File No. 236-07.

From the Department of Community Development — 2007 Housing Trust Fund. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 237-07.

Re: Transfer of Ownership Application — 7114542 — Punji Corporation, d.b.a. Deco Club, 11213-15 Detroit Avenue. (Ward 18). Received.

File No. 238-07.

Re: Transfer of Ownership Application — 8912747 — 3614 East 65th, Inc., d.b.a. Karb's Tavern, 3614 East 65th Street. (Ward 12). Received.

File No. 239-07.

Re: Transfer of Ownership Application — 2694710 — Ferrer, Inc., 13401 Kinsman Avenue, first floor only. (Ward 3). Received.

File No. 240-07.

Re: Transfer of Ownership and Location Application — 23846120005 — Ecib Group of Cleveland LLC, 230 W. Huron Road. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 241-07 — SSG Michael Joseph Wiggins.

Res. No. 242-07—John J. Kastellic.

Res. No. 243-07 — Linda Michele Lucarelli.

CONGRATULATION RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

Res. No. 244-07—George F. Qua.

Res. No. 245-07—The Home Depot at Steelyard Commons.

Res. No. 246-07—Robert L. Fisher.

RECOGNITION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

Res. No. 247-07—Lithuanian Independence (89th Anniversary).

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 177-07.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with A T & T for professional services necessary to maintain E-911 position equipment, for a period of one year, with two one-year options to renew.

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 A T & T for professional services necessary to maintain E-911 position equipment, in the total sum of \$77,000, for the Department of Finance, for a period of one year with two one-year options to renew, exercisable by the Director of Finance. The contract or contracts shall be paid from Fund No. 70 SF 101, Request No. 141896.

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

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 178-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Mary Taylor, Ohio State Auditor, for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2006 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation.

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 Mary Taylor, Ohio State Auditor, for professional services necessary to complete an independent assessment and to express the opinion of the City whether the 2006 financial statements fairly present the financial position of the City and other things; and to authorize the auditor to complete two statements on Auditing Standards for the Divisions of Water and Taxation, in the total approximate sum of \$325,000, for the Department of Finance. The contracts or contracts shall be paid from funds appropriated for this purpose in budget year 2007, Request No. 154424.

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 179-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of lumber, 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 Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years of the necessary items of lumber, 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 City government. 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. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

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 requisition against the contract or contracts certified by the Director of Finance. (RL 118771)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 180-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed, uniformed security guard services, for the various divisions of City government, for a two year period, with one option to renew for an additional one-year period.

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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years with an option to renew for an additional one-year period, exercisable by the

Director of Finance, for the necessary items of unarmed, uniformed security guard services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 requisition against the contract or contracts certified by the Director of Finance. (RL 118771)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 181-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of window washing services, 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 Finance 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 one or two year period of the necessary items of window washing services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

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 requisition against the contract or contracts certified by the Director of Finance. (RL 118771)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 182-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants, computer software developers, or vendors to acquire licenses or develop a data collection and analysis system of contract compliance requirements, including installing, designing, training, implementing, testing, maintaining, technical support, and other related issues, for a period up to two years with two one-year options to renew, for the various divisions of the Department of Port Control.

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 employ by contract or contracts one or more consultants, computer soft-

ware 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 in order to provide professional services necessary to acquire licenses or develop a data collection and analysis system of contract compliance requirements, including installing, designing, training, implementing, testing, maintaining, technical support, and other related issues, for a period up to two years with two one-year options to renew, exercisable by the Director of Port Control, for the various divisions of the Department of Port Control.

The selection of the consultants, computer software developers, or vendors for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158685.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 183-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide concessions consulting services to support the airport-wide concessions development, progress, and forecasting, for a period up to two years with two one-year options to renew, for the various divisions of the Department of Port Control.

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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of sup-

plementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide concessions consulting services to support the airport-wide concessions development, progress, and forecasting, for a period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, for the various divisions of the Department of Port Control.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158677.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 184-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to develop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to two years with two one-year options to renew, for the various divisions of the Department of Port Control.

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 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 develop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to

two years, with two one-year options to renew, exercisable by the Director of Port Control, for the various divisions of the Department of Port Control.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158686.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 185-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide construction management and administrative services for the various divisions of the Department of Port Control, for a period up to two years with two one-year options to renew.

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 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 provide construction management and administrative services, including but not limited to, construction administration, estimation, scheduling, testing, and document control, for the various divisions of the Department of Port Control, for a period up to two years, with two one-year options to renew, exercisable by the Director of Port Control.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control

from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158688.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 186-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide general engineering and architectural services for the various divisions of the Department of Port Control, for a period up to two years with two one-year options to renew.

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 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 provide general engineering and architectural services for the various divisions of the Department of Port Control, for a period up to two years, on an as-needed basis, with two one-year options to renew, exercisable by the Director of Port Control.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158678.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 187-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide real estate development services for the various divisions of the Department of Port Control, for a period up to two years with two one-year options to renew.

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 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 provide real estate development services, for the various divisions of the Department of Port Control, for a period up to two years, with two one-year options to renew, exercisable by the Director of Port Control.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158682.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 188-07.

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a property adoption agreement with the Cleveland National Airshow Foundation for the display of two statue-type F-4 fighter planes on property located near the entrance of Cleveland Burke Lakefront Airport, including maintenance of the property.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a property adoption agreement with the Cleveland National Airshow Foundation for the display of two statue-type F-4 fighter planes on property located near the entrance of Cleveland Burke Lakefront Airport, including maintenance of the property.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable by the Director of Port Control.

Section 3. That the property adoption agreement shall be for a term of five years with five one-year options to renew exercisable by the request of the Cleveland National Airshow Foundation and the approval of the Director of Port Control.

Section 4. That the property adoption agreement shall further provide that the aircraft may be relocated or removed by the City, should the area used for display of the aircraft be needed for other airport purposes.

Section 5. That the Director of Port Control is authorized to accept the gift of any improvements to the adopted property landscaped and maintained by the Cleveland National Airshow Foundation.

Section 6. That the property adoption agreement authorized shall be prepared by the Director of Law.

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

from and after the earliest period allowed by law.

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

Ord. No. 189-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Cleveland Hopkins International and Cleveland Burke Lakefront Airports, for a period up to two years, with two one-year options to renew.

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 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 marketing, promotional, and advertising services necessary to promote Cleveland Hopkins International and Cleveland Burke Lakefront Airports, for a period up to two years, with two one-year options to renew, exercisable by the Director of Port Control.

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

Section 2. 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 period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Cleveland Hopkins International and Cleveland Burke Lakefront Airports, 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 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 3. That the Director of Port Control is further authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Cleveland Hopkins International and Cleveland Burke Lakefront Airports, for a period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, and 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 requisition against the contract or contracts certified by the Director of Finance. (RL 158676)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 190-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive parts, including labor, materials, and installation, if necessary, for the various divisions of the Department of Port Control, for a period up to two years, with two one-year options to renew.

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 period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, of the necessary items of automotive parts, including labor, materials, and installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the 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 paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and 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 requisition against the contract or contracts certified by the Director of Finance. (RL 158679)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 191-07.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical parts and equipment, including labor, materials, and installation if necessary, to maintain, repair, and

modify electrical systems at airport properties, for the various divisions of the Department of Port Control, for a period up to two years, with two one-year options to renew.

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 period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, of the necessary items of electrical parts and equipment, including labor, materials, and installation if necessary, to maintain, repair, and modify electrical systems at airport properties, 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 paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and 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 requisition against the contract or contracts certified by the Director of Finance. (RL 158687)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 192-07.

By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial maintenance and cleaning supplies, for the various divisions of the Department of Port Control, for a period up to two years, with two one-year options to renew.

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 period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, of the necessary items of janitorial maintenance and cleaning supplies, 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 paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and 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 requisition against the contract or contracts certified by the Director of Finance. (RL 158666)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 193-07.

By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of parts necessary to maintain and repair automatic doors, including labor and installation, if necessary, for the various divisions of the Department of Port Control, for a period up to two years, with two one-year options to renew.

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 the period up to two years, with two one-year options to renew, exercisable by the Director of Port Control, of parts necessary to maintain and repair automatic doors, including labor and installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and 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 requisition against the contract or contracts certified by the Director of Finance. (RL 158690)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 194-07.

By Council Members Johnson and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of computers from the Cleveland Clinic, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That The Director of Parks, Recreation and Properties is authorized to accept on behalf of the Division of Recreation, a gift of 22 computers, valued at \$13,200, from the Cleveland Clinic, for use in various recreation centers in connection with a smoking cessation program.

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

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 195-07.

By Council Members Zone, Johnson, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to the Lease between the City of Cleveland and the Gordon Square Homes, L.P. and Detroit Commercial Limited Partnership for a public parking facility located in the area of West 65th Street and Detroit Avenue.

Whereas, under Ordinance No. 2280-85, passed March 17, 1986, as amended by Ordinance No. 2498-87, passed January 25, 1988, this Council authorized the lease of City-owned real estate located in the area of West 65th Street and Detroit Avenue to the Detroit-Shoreway Corporation for use as a public parking facility; and

Whereas, on February 29, 1988, the Detroit Shoreway Community Development Organization doing business as Detroit-Shoreway Corporation assigned the lease to Detroit Commercial Limited Partnership and Detroit Housing Limited Partnership and the City approved the assignment; and

Whereas, on January 31, 2005, Detroit Housing Limited Partnership assigned its interest in the lease to Gordon Square Homes, L.P. and the City approved the assignment; and

Whereas, an extension of the Lease to December 31, 2047 is a condition of the U.S. Department of Housing and Urban Development's funding; 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 Parks, Recreation and Properties is authorized to enter into an amendment to the Lease authorized by Ordinance No. 2280-85, passed March 17, 1986, as amended by Ordinance No. 2498-87, passed January 25, 1988, with Detroit Commercial Limited Partnership and Gordon Square Homes, L.P., for City-owned property located in the area of West 65th Street and Detroit Avenue for use as a public parking facility to extend the term of the lease until December 31, 2047, under the same terms and conditions as contained in the Lease.

Section 2. That the amendment shall be prepared by the Director of Law.

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

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 196-07.

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials necessary to repair and maintain heating, ventilation and air conditioning systems, including labor and installation if necessary, for the Division of Streets, Department of Public Service.

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 Service 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 one or two year period of the necessary items of materials necessary to repair and maintain heating, ventilation and air conditioning systems, including labor and installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Service. 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. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 requisition against the contract or contracts certified by the Director of Finance. (RL 160142)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Public Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 197-07.

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service.

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 Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of rock salt, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets,

Department of Public Service. 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. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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 requisition against the contract or contracts certified by the Director of Finance. (RL 160144)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Public Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 198-07.

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service.

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 Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of the rental of large capacity trucks with operators in the approximate amount as

procured during the preceding term, procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. 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. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and from the fund or funds to which are credited the proceeds from the sale of future general obligation bonds which are designated for this purpose, if the City sells such bonds, and shall also be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 160143)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions 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.

Referred to Directors of Public Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 199-07.

By Council Members Brady, Zone and Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1054-06, passed July 12, 2006, relating to one or more requirement contracts of cold mix material.

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. 1054-06, passed July 12, 2006, are amended to read as follows:

An emergency ordinance authorizing the purchase by one or more requirement contracts of cold mix material, for the Division of Streets, Department of Public Service **and the various divisions of the Department of Public Utilities.**

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of cold mix material in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service **and the various divisions of the Department of Public Utilities.** Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the existing title and Section 1 of Ordinance No. 1054-06, passed July 12, 2006 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.

Referred to Directors of Public Service, Public Utilities, Finance, Law; Committees on Public Service, Public Utilities, Finance.

Ord. No. 200-07.

By Council Members Brady, Zone and Sweeney (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1058-06, passed July 12, 2006, relating to one or more requirement contracts of reclaimed or virgin asphalt concrete.

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 Sections 1 and 2 of Ordinance No. 1058-

06, passed July 12, 2006, are amended to read as follows:

An emergency ordinance authorizing the purchase by one or more requirement contracts of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service **and the various divisions of the Department of Public Utilities.**

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of reclaimed or virgin asphalt concrete in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service **and the various divisions of the Department of Public Utilities.** Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and from the fund or funds to which are credited the proceeds from the sale of future general obligation bonds which are designated for this purpose, if the City sells such bonds, and shall also be charged against the proper appropriation account 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 requisition against the contract certified by the Director of Finance. (RL 160072)

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1058-06, passed July 12, 2006, 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.

Referred to Directors of Public Service, Public Utilities, Finance, Law; Committees on Public Service, Public Utilities, Finance.

Ord. No. 201-07.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to provide title search services in conjunction with the City's demolition 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 Building and Housing 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 provide title search services in conjunction with the City's demolition program.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 13 SF 737, Request No. 146696.

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

Referred to Directors of Building and Housing, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 208-07.

By Council Member Cimperman. An emergency ordinance to supplement the Codified Ordinances by enacting new Sections 336.01 to 336.05 relating to the Urban Garden District.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 336.01 to 336.05 to read as follows:

**CHAPTER 336
URBAN GARDEN DISTRICT**

Section 336.01 Urban Garden District

The "Urban Garden District" is hereby established as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.

Section 336.02 Definitions

(a) "*Community garden*" means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(b) "*Market garden*" means an area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

(c) "*Greenhouse*" means a building made of glass, plastic, or fiberglass in which plants are cultivated.

(d) "*Hoophouse*" means a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.

(e) "*Coldframe*" means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

Section 336.03 Permitted Main Uses

Only the following main uses shall be permitted in an Urban Garden District:

(a) community gardens which may have occasional sales of items grown at the site;

(b) market gardens, including the sale of crops produced on the site.

Section 336.04 Permitted Accessory Uses

Only the following accessory uses and structures shall be permitted in an Urban Garden District:

(a) greenhouses, hoophouses, coldframes, and similar structures used to extend the growing season;

(b) open space associated with and intended for use as garden areas;

(c) signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in conformance with the regulations of Section 336.05;

(d) benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;

(e) buildings, limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses, in conformance with the regulations of Section 336.05;

(f) off-street parking and walkways, in conformance with the regulations of Section 336.05.

Section 336.05 Supplemental Regulations

Uses and structures in an Urban Garden District shall be developed and maintained in accordance with the following regulations.

(a) *Location.* Buildings shall be set back from property lines of a Residential District a minimum distance of five (5) feet.

(b) *Height.* No building or other structure shall be greater than twenty-five (25) feet in height.

(c) *Building Coverage.* The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed fifteen percent (15%) of the garden site lot area.

(d) *Parking and Walkways.* Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to ten percent (10%) of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

(e) *Signs.* Signs shall not exceed four (4) square feet in area per side and shall not exceed six (6) feet in height.

(f) *Seasonal Farm Stands.* Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Legislation, Finance.

Ord. No. 224-07.

By Council Member Cimperman. An emergency ordinance rescinding the designation of Stanard School as a Cleveland Landmark.

Whereas, City Council designated the Stanard School located at 5360 Stanard Avenue, N.E., permanent parcel number 104-11-074, as a Cleveland Landmark on December 15, 2003; and

Whereas, City Council may rescind the designation of any building as a landmark by ordinance under Chapter 161.04(b)(6) of the Codified Ordinances of Cleveland; and

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That City Council rescinds the designation of Stanard School as a Cleveland Landmark.

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.

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 202-07.

By Council Member Sweeney.

An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 2059-06, passed December 4, 2006 authorizing the Clerk of Council to enter into contract for professional records and information management services.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 2059-06 passed December 4, 2006 are hereby amended to read, respectively, as follows:

Authorizing the Clerk of Council to enter into contract with **Iron Mountain Information Management, Inc.**, for professional records and information management services, including document storage, document inventory and document relocation, on the basis of their proposal dated November 28, 2006.

Section 1. That the Clerk of Council is hereby authorized to enter into contract with **Iron Mountain Information Management, Inc.**, for professional records and information management services, including document storage, document inventory and document relocation, on the basis of their proposal dated November 28, 2006.

Section 2. That the term of this agreement begins as of October 1, 2006 and expires on September 30, 2007, with the option to renew for four additional one (1) year terms, exercisable by the Clerk of Council. The cost of the initial term of the contract shall not exceed **\$63,000** and shall be paid from Fund No. 01 SF 001.

Section 2. That the existing Title and Sections 1 and 2 of Ordinance No. 2059-06 passed December 4, 2006 are hereby repealed.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 209-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Blind Pig, Pig Skin Run, on November 17, 2007, sponsored by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Blind Pig, Pig Skin Run sponsored by Hermes Sports & Events, on November 17, 2007, with the Run beginning at West 6th to St. Clair, St. Clair to West 3rd, West 3rd to Erieside, Erieside cross East 9th to North Marginal, North Marginal to Aviation High School, turn around, North Marginal cross East 9th to Erieside, Erieside to West 3rd, West 3rd to St. Clair, St. Clair to West 6th, West 6th to finish at West 6th & St. Clair, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 210-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Corporate Challenge, on July 21, 2007, sponsored by the Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Corporate Challenge sponsored by the Hermes Sports & Events, on July 21, 2007, starting at South Marginal & west end of Municipal Parking Lot; South Marginal to East 55th turn around and return same route. This route will be repeated numerous times, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 211-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Cruise for the Critters race, on September 23, 2007, scheduled by the Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruise for the Critters on September 23, 2007, with the race starting at the Gateway Animal Clinic, West 15th & Abbey, Abbey to West 11th, West 11th to Starkweather, Starkweather to West 14th, West 14 to Kenilworth, Kenilworth to Scranton, Scranton to Train, turn around, Scranton to Kenilworth, Kenilworth to West 11th, West 11th to Abbey, Abbey to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary

in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 212-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Hermes 10 Mile Half Marathon, on April 28, 2007, sponsored by Hermes Sports.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes 10 Mile Half Marathon, sponsored by Hermes Sports on April 28, 2007, start at Euclid & East 4th, Euclid to East 40th, turn right, East 40th to Carnegie, turn right, Carnegie across Hope Memorial Bridge, Lorain to West 25th turn right, West 25th to Detroit turn right, cross Veterans Memorial Bridge to Superior, Superior to West 9th turn left, West 9th to Frankfort turn right, Frankfort to West 3rd turn left, West 3rd to Erieside turn right, Erieside to East 9th, cross East 9th to North Marginal Road, North Marginal Road to East 26th, turn around, North Marginal Road to East 9th turn left, East 9th to Lakeside turn right, Lakeside to East 6th turn left, East 6th to Euclid turn right, Euclid to finish at East 4th, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 213-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the OROC 5K & 1-Mile Walk, on August 25, 2007, scheduled by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the OROC 5K & 1 Mile Walk, scheduled by Hermes Sports & Events on August 25, 2007, Start: Science Center drive, to Lakeside, Lakeside to West 9th, West 9th to Huron, Huron to East 4th, East 4th to Euclid, Euclid to East Roadway, East Roadway to Ontario, Ontario to Rockwell, Rockwell to West 3rd, West 3rd to Al Lerner Way to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 214-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for The National Multiple Sclerosis Society Walk, on April 28, 2007, sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The National Multiple Sclerosis Society Walk, sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society on April 28, 2007, with the Walk beginning at Tower City Amphitheater ramp to Canal Road; Canal west to Old River Road; Old River Road north to Front Street; Front Street east to West 9th; West 9th south to Lakeside; Lakeside east to West 3rd; West 3rd north around stadium to Erieside; Erieside east to East 9th; East 9th south to Carnegie; Carnegie west to Ontario; Ontario north to Superior; Superior west to West 6th; West 6th north to St. Clair; St. Clair west to West 9th; West 9th north to Front Street; Front Street west to Old River Road; Old River Road south to Canal; Canal east to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 215-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for Race For The Cure, on September 15, 2007, scheduled by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of Race For The Cure, scheduled by Hermes Sports & Events on September 15, 2007, starting at East 9th & Erieside, East 9th to Lakeside, Lakeside to East 13th, East 13th to Huron Road, Huron Road to Prospect, Prospect to East Huron, East Huron to West Huron, West Huron to West 9th, West 9th to St. Clair, St. Clair to West 3rd, West 3rd to Erieside, Erieside to fin-

ish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 216-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Westside Catholic Charities 5K Run, on June 9, 2007, sponsored by Hermes Sports.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Westside Catholic Charities 5K Run, sponsored by Hermes Sports on June 9, 2007, starting at WSCC on Lorain; Lorain to Fulton Road; Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around, Franklin Blvd. to West 38th; West 38th to Lorain; Lorain to WSCC — finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 217-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Winking Lizard 4 Mile Run & 2 Mile Walk, on July 21, 2007, sponsored by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Winking Lizard 4 Mile Run & 2 Mile Walk; beginning at Huron & East 4th Street, Huron to East 4th, East 4th to Prospect, Prospect to East 36th, East 36th to Carnegie, Carnegie to East 40th, East 40th to Prospect, Prospect to East 4th, East 4th to Huron, Huron to finish — in front of the Winking Lizard, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 218-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 3rd Annual MMRF Run, on July 29, 2007, race coordinated by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the MMRF Run, race coordinated by Hermes Sports & Events on July 29, 2007, Start: East

9th Street Pier; East 9th to Prospect, Prospect to Superior, Superior to West 9th, West 9th to Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside to East 9th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 219-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for The 26th Annual Turkey Trot, on November 22, 2007, scheduled by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The 26th Annual Turkey Trot, scheduled by Hermes Sports & Events on November 22, 2007, starting at Lakeside and West 3rd, West 3rd to St. Clair, St. Clair to East 9th, East 9th to South Marginal, South Marginal to East 26th, East 26th to North Marginal, North Marginal to Erieside, Erieside to West 3rd, West 3rd to Lakeside, Lakeside to West 6th, West 6th to St. Clair, St. Clair to West 3rd, West 3rd to Lakeside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 220-07.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 27th Annual St. Malachi Run, on March 10, 2007, sponsored by the Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 27th Annual St. Malachi Run sponsored by the Hermes Sports & Events, on March 10, 2007, with the Run beginning at St. Malachi, Main Street north to Center, Center west to River Road, River Road north to Elm, Elm east to Old River Road/River Bend, River Bend to Canal, Canal east to West 3rd, West 3rd east to Commercial, Commercial north to West Eagle, West Eagle east to Canal, Canal west to Center, Center to Winslow, Winslow to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 221-07.

By Council Members Cimperman, Santiago and Zone.

An emergency ordinance consenting and approving the issuance of a permit for OCNW Run, on June 16, 2007, scheduled by Hermes Sports & Events.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of OCNW Run, scheduled by Hermes Sports & Events on June 16, 2007, starting at West 25th & Lorain, Lorain to West 38th, West 38th to Bridge, Bridge to West 58th, West 58th to Franklin, Franklin to Fulton, Fulton to Bridge, Bridge to West 28th, West 28th to Carroll, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 223-07.

By Council Member Sweeney.

An emergency ordinance to amend Section 111.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 844-95, passed May 8, 1995 relating to the hiring of professional consultants by City Council.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 111.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 844-95, passed May 8, 1995 is hereby amended to read as follows:

Section 111.071 Hiring of Professional Consultants by City Council

On behalf of the City Council, the President of Council is authorized to enter into contract with professional consultants to provide assistance to the members of Council and/or Council staff in all matters of Council, including but not limited to, communications, legislative research and drafting, accounting matters, and any other matters that may hereafter come before the Council as part of its official business. The cost of contracts shall be paid from

funds appropriated for the use of the Council.

Section 2. That existing Section 111.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 844-95 passed May 8, 1995 is repealed.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 225-07.

By Council Member Brady.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Westown Community Development Corporation for the Home Repair Rebate Program to provide home repair assistance to Cleveland residents through the use of Ward 19 Neighborhood Equity Funds.

Whereas, the Housing Advisory Board has reviewed and approved the Home Repair Program that will provide home repair assistance to City of Cleveland residents, and

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Westown Community Development Corporation who will be acting as an agent for the City of Cleveland for the implementation of the Home Repair Rebate Program for the public purpose of providing home repair assistance to the citizens of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

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.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 227-07.**By Council Member Reed.**

An emergency ordinance amending the Title and Section 1 of Ordinance No. 148-07 passed January 29, 2007 as it pertains to the Family Unity Day in the Park Expo through the use of Ward 3 Neighborhood Equity 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 Title and Section 1 of Ordinance No. 148-07 passed January 29, 2007 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with **Mt. Pleasant Community Zone** for the Family Unity Day in the Park Expo through the use of Ward 3 Neighborhood Equity Funds

Section 1. That the Director of Community Development is authorized to enter into an agreement with **Mt. Pleasant Community Zone** for the Family Unity Day in the Park Expo for the public purpose of providing an educational and job training expo for city of Cleveland residents on the various services and programs that are offered by the many different nonprofit organizations and city departments through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 148-07 passed January 29, 2007 are hereby repealed.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 228-07.**By Council Member Britt.**

An emergency ordinance consenting and approving the issuance of a permit for the Annual Cleveland Clinic Nurses Fun Run, May 5, 2007, sponsored by Hermes Sports & Events.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Annual Cleveland Clinic Nurses Fun Run, sponsored by Hermes Sports & Events, on May 5, 2007, with the run beginning at the Crile Building at East 100th;

East 100th to Euclid Avenue, east on Euclid to East 101st, north on East 101st to Mt. Sinai Drive, east on Mt. Sinai Drive to MLK, north on MLK to turn around, return same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 203-07.**By Council Member Cimperman.**

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 2325 Elm Street, and repealing Resolution No. 1404-06, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 2325 Elm Street by Resolution No. 1404-06 adopted by the Council on August 9, 2006; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a D5 and D6 Liquor Permit to Metropolis Night Club, Inc., DBA Metropolis, 2325 Elm Street, Cleveland, Ohio 44113, Permanent Number 5870816, 5870816-0003, 5870816-0004 be and the same is hereby withdrawn and Resolution No. 1404-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 204-07.**By Council Member Conwell.**

An emergency resolution objecting to a New C2 Liquor Permit at 11701 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Yasini, Inc., DBA Russells Foods, 11701 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 98210360001; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Yasini, Inc., DBA Russells Foods, 11701 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 98210360001 and requests the Director of Liquor Control to set a hearing for said application in accordance with the provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 205-07.

By Council Member Santiago.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 2700 West 25th Street, Unit B & C.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Sun Valley Mart, Inc., DBA Sun Valley Mart, 2700 West 25th Street, Unit B & C, Cleveland, Ohio 44113, Permanent Number 86994330005 to 2700 West 25th Street, Inc., DBA Sun Valley Beverage, 2700 West 25th Street, Unit B & C, Cleveland, Ohio 44113, Permanent Number 9115333; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Sun Valley Mart, Inc., DBA Sun Valley Mart, 2700 West 25th Street, Unit B & C, Cleveland, Ohio 44113, Permanent Number 86994330005 to 2700 West 25th Street, Inc., DBA Sun Valley Beverage, 2700 West 25th Street, Unit B & C, Cleveland, Ohio 44113, Permanent Number 9115333; and requests the Director of

Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 206-07.

By Council Members Kelley, Cummins, Britt, Zone, Cimperman, Sweeney, Coats, Brancatelli and Conwell.

An emergency resolution supporting an alternatives analysis investigating the benefits, costs and environmental impacts of various transportation improvement alternatives in the West Shore Corridor in accordance with NEPA and FTA requirements; and requesting the Northeast Ohio Areawide Coordinating Agency (NOACA) to secure a federal transportation appropriation of approximately \$1.5 million in federal fiscal years 2008 and 2009 through the Lorain-Cleveland Commuter Rail funding authorization in SAFETEA-LU for the West Shore Corridor alternatives analysis.

Whereas, West Shore communities' residents see improved public transportation services as an opportunity to improve the region's economic development opportunities and the quality of life for all Northeast Ohioans regardless of their age, income or physical mobility; and

Whereas, a locally based constituency is growing for the creation of improved regional public transportation linking the businesses and residents between West Shore communities and Downtown Cleveland; and

Whereas, higher quality public transportation services will connect communities and stimulate investment in commercial, office and residential development in transit station-area districts; and

Whereas, improved public transportation to Downtown Cleveland increases the chances of improving other community infrastructure, such as roadways, railroad grade-crossings, hiking/biking routes, improved way-finding signage, better transit waiting environments and related features; and

Whereas, the alternatives for developing higher-quality transit service in the West Shore Corridor are varied and the impacts of these alternatives on the natural and built environments must be better understood; and

Whereas, the actual capital, operating and maintenance costs and benefits associated with these alter-

natives need to be defined and analyzed; and

Whereas, an alternatives analysis in compliance with the National Environmental Policy Act (NEPA) and Federal Transit Administration (FTA) New Starts regulations requires significant public participation so a locally preferred alternative can be selected and adopted by the region; and

Whereas, the Lorain - Cleveland Commuter Rail project is authorized in the federal surface transportation law entitled Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and that an appropriation is needed to fund the alternatives analysis under Section 5339 of SAFETEA-LU; and

Whereas, this Council embraces the vision of improving public transportation services from the West Shore Corridor to Downtown Cleveland; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby supports an alternatives analysis investigating the benefits, costs and environmental impacts of various transportation improvement alternatives in the West Shore Corridor in accordance with NEPA and FTA requirements; and requests the Northeast Ohio Areawide Coordinating Agency (NOACA) to secure a federal transportation appropriation of approximately \$1.5 million in federal fiscal years 2008 and 2009 through the Lorain-Cleveland Commuter Rail funding authorization in SAFETEA-LU for the West Shore Corridor alternatives analysis.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to each member of the Ohio congressional delegation, to appropriate state legislators, the board of the Northeast Ohio Areawide Coordinating Agency, the Ohio Department of Transportation's Public Transit Division, and the Ohio Rail Development Commission.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 207-07.

By Council Members Santiago, Zone, Westbrook, Cimperman, Cleveland, Brady, Polensek, Kelley, Pierce Scott, Coats, Cummins, Turner, Conwell, Brancatelli, Sweeney and White.

An emergency resolution urging the Federal Drug Administration to review its policy that bans gay men from donating blood.

Whereas, The American Red Cross and other organizations that collect donated blood are urging the Federal Drug Administration (FDA) to review its policy in effect since the early 1980s that prohibits men who have sex with men - regardless of sexual activity, safer-sex practices or HIV status - from donating blood; and

Whereas, potential blood donors are asked to fill out a questionnaire before donating, and men who have had sex with another man, even once, since 1977 are prohibited from donating; and

Whereas, the American Association of Blood Banks and America's Blood Centers say that the likelihood of receiving a unit of HIV-infected blood is one in two million, and that blood banks now use nucleic acid testing that detects HIV with over 99% accuracy in a matter of weeks after infection; and

Whereas, the current policy's focus on gay men is discriminatory, because HIV is increasingly transmitted through heterosexual sex, and women account for more than one-quarter of all new HIV/AIDS cases in the United States, according to the Center for Disease Control; and

Whereas, the American Red Cross and other organizations that collect donated blood worry that the FDA policy is outdated and is cutting off a potential source of blood that is sorely needed; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby urges the Federal Drug Administration to review its policy that bans gay men from donating blood.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the American Red Cross, the AIDS Taskforce of Greater Cleveland, and the Lesbian, Gay, Bisexual, and Transgender Community Center 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 222-07.

By Council Members Zone, Cummins, Dolan and Turner.

An emergency resolution strongly encouraging Ohio's Attorney General to investigate and determine how to stop used car dealers from issuing predatory loans.

Whereas, many independent used car dealers market to people who have poor or no credit; and

Whereas, these independent used car dealers use the strategy of "buy here, pay here" to bring in such people to purchase cars at very high interest rates; and

Whereas, these independent used car dealers often sell cars that already have high mileage, often at an interest rate of as much as 60%; and

Whereas, people purchasing these used cars buy them "as is" and, because Ohio law does not protect a buyer whose purchase is "as is", the buyer ends up responsible for any problems that occur with the car after the sale; and

Whereas, consumer protection laws in Ohio do not regulate used car sales, and Ohio's Lemon Law does not apply to used cars; and

Whereas, the tactics of some of these independent used car dealers prey on people who can least afford it; 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 strongly encourages Ohio's Attorney General to investigate and determine how to stop used car dealers from issuing predatory loans.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Governor Strickland, Lt. Governor Fisher, Marc Dann, Attorney General, all members of the Ohio House of Representatives and Ohio Senate, Cuyahoga County Commissioners, Cuyahoga County Mayors and Managers Association, and the members of the Northeast Ohio City Council Association.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 226-07.

By Council Member Reed.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 13401 Kinsman Avenue, 1st floor only.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Ashishi, Inc., DBA Ranie Food Market, 13401 Kinsman Avenue, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0296859 to Ferrer, Inc., 13401 Kinsman Avenue, 1st floor only, Cleveland, Ohio 44120, Permanent Number 2694710; and

Whereas, the granting of this application for a liquor permit to

this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Ashishi, Inc., DBA Ranie Food Market, 13401 Kinsman Avenue, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0296859 to Ferrer, Inc., 13401 Kinsman Avenue, 1st floor only, Cleveland, Ohio 44120, Permanent Number 2694710; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1842-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the retention and use of revenue by the general fund from tax remittances collected by Cleveland Public Power during the year 2007.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2045-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of water revenue bonds of the city to pay costs of improvements to the waterworks system and to refund outstanding water revenue bonds to obtain debt service savings; authorizing hedge agreements, supplemental indentures and other agreements related to water revenue bonds; authorizing and approving related matters.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2050-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Cognos Corporation to acquire one or more software licenses and software license maintenance necessary for operation of Cognos' Financial Information System, including server licenses and other as-needed software licenses, and professional services for as-needed consulting and support services, including but not limited to training and knowledge transfer, necessary to augment, support, and further enhance the system.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, at the end, strike the period and insert: ", for a period not to exceed two years."

2. In Section 1, line 9, after "Public Utilities" strike the period and insert: ", for a period not to exceed two years."

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 2077-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts

with iTRACS for professional services necessary to provide and install new and upgraded software necessary to expand current modules, including software support, for a period of one year.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2078-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with TeleAtlas for professional services necessary to provide a GIS-related street centerline data subscription, including but not limited to maintenance and data updates, for a period of two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2083-06.

By Council Members Brancatelli, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of East 59th Street.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 53-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Mayor, or his designee, to apply on behalf of the City of Cleveland, for membership in the Northeast Ohio Sourcing Office, to adopt the Code of Regulations of, and to enter into a Membership Agreement, Master Services and Consulting Agreement, and Master Products Agreement with the Northeast Ohio Sourcing Office.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 57-07.

By Council Members Britt and Sweeney (by departmental request).

An emergency ordinance to amend the title of Ordinance No. 2197-05, passed January 22, 2006; to supplement the ordinance by adding new Section 6; and to renumber existing Sections 6, 7, and 8 to new Sections 7, 8, and 9; relating to a grant from Invest in Children for the MomsFirst and Help Me Grow Partnership Program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

MOTION

By Council Member Cummins, seconded by Council Member Johnson, and unanimously carried that the absence of Council Member Patricia J. Britt, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:54 p.m. to meet Monday, February 12, 2007 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

BOARD OF CONTROL

January 31, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 31, 2007, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted:

Resolution No. 40-07.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2007 in the amount of \$40,482.59 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 41-07.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Carbon Activated Corporation for an estimated quantity of powdered activated carbon (items 1A, 1B and 1C) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on December 8, 2006 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$394,580.00 is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 177015

which shall be certified against the contract in the sum of \$75,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 42-07.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 14, 2006, for furnishing and installation of carpet at 12302 Kirby Avenue, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 2025-02, passed by the Council of the City of Cleveland on November 18, 2002, are rejected.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 43-07.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 4, 2007, for the purchase of hardware, software, and software upgrades necessary to upgrade the SANS (Storage Area Network), including design, installation, and related services, maintenance and training for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 1019-05, passed July 13, 2005, are rejected.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 44-07.

By Director Wasik.

Whereas, by Resolution No. 28-07, adopted January 17, 2007, under the authority of Ordinance No. 879-06, passed by the Council of the City of Cleveland on June 12, 2006, this Board of Control approved the bid of Petroleum Traders Corporation, for diesel fuel, items 1 (a, b), 5 (a, b, c), 8 (a, b) and 10 (a, b) and

Whereas, in Resolution No. 28-07, the length of the contract was incorrectly stated as two years; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 28-07 adopted January 17, 2007 approving, Petroleum Traders Corporation, as the lowest and best bidder for items 1 (a, b), 5 (a, b, c), 8 (a, b) and 10 (a, b) for the Division of Motor Vehicle Maintenance, Department of Public Service, hereby is amended by changing the length of the contract from two years to one year.

Be it further resolved that all other provisions of said Resolution No. 28-07 not expressly amended shall remain in full force and effect.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 45-07.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 104-20-026 and 104-20-027 (Northerly part of) Parcel E, located at East 60th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1888-06 passed December 11, 2006, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, William Ladd and Naomi R. Franklin Ladd have proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1888-06, passed December 11, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with William Ladd and Naomi R. Franklin Ladd for the sale and development of Permanent Parcel Nos. 104-20-026 and 104-20-027 (Northerly part of) Parcel E, as described in the Ordinance 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 parcels shall be \$100.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 46-07.

By Director Rush.

Whereas, under the authority of 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. 115-13-056 located at East 148th Street in Ward 10; 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 to adjacent or abutting landowners; and

Whereas, Sharon J. Hill, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. 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 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 Sharon J. Hill for the sale and development of Permanent Parcel No. 115-13-056 located at East 148th 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 said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 47-07.

By Director Rush.

Whereas, under the authority of 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. 111-12-013 located at Locke Avenue in Ward 10; 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 to adjacent or abutting landowners; and

Whereas, Victoria Blanton, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. 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 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 Victoria Blanton for the sale and development of Permanent Parcel No. 111-12-013 located at Locke Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 48-07.

By Director Hutchinson.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 332-06, adopted August 2, 2006, approving the employment of subcontractors by Integrated Consulting Services under Contract No. 64265, authorized by Ordinance No. 2140-05, passed December 7, 2005, and Board of Control Resolution No. 190-06, adopted May 17, 2006, for worker's compensation claims management and actuarial services, is amended by deleting "Research Associates" as an approved subcontractor, where appearing, and substituting "Bureau of Research."

Be it further resolved that all other provisions of Resolution No. 332-06 not expressly amended above shall remain unchanged and in full force and effect, and the Director of Personnel and Human Resources is authorized to execute all documents and do all things necessary to effect

the above amendment to Resolution No. 332-06.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 20, 2007

9:30 A.M.

Calendar No. 07-11: 17218 Grovewood Avenue (Ward 11)

Marlon Davis, owner, appeals to change an existing two-story mixed use building from a store and dwelling units to a carryout restaurant and dwelling units, situated on a 100' x 129' corner parcel in a Multi-Family District on the southwest corner of Grovewood Avenue and East 173rd Street at 17218 Grovewood Avenue; the proposed change being contrary to Section 337.08, not permitted in a Multi-Family District but first permitted in a Local Retail Business District, and subject to the provisions for existing nonconforming buildings and uses, the proposed substitution of a nonconforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 07-12: 11005 Mt. Overlook Avenue (Ward 6)

Clyde Kirby, owner, appeals to enclose an existing 8' x 27' second floor porch of a two family dwelling, situated on a 40' x 105' parcel located in a Two-Family District on the north side of Mt. Overlook Avenue at 11005 Mt. Overlook Avenue; the proposed enclosure being contrary to the Regulations for Yards and Courts with an 8' projection where not more than 4' is allowed as described in the provisions under Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 07-13: 2801 Martin Luther King, Jr. Drive (Ward 6)

The Cleveland Clinic Foundation, owner, appeals to install a 6' tall ornamental fence along the 30' front yard setback of an acreage parcel, located in a Residence Office District on the southeast corner of Martin Luther King, Jr. Drive and Shaker Boulevard at 2801 Martin Luther King, Jr. Drive; contrary to the Fence Regulations for Non-Residential Districts, a 6' tall fence is proposed and fences in the front yard setback on Martin Luther King, Jr. Drive may not exceed 4' in height, according to Section 358.04(a) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 5, 2007

At the meeting of the Board of Zoning Appeals on Monday, February 5, 2007, the following appeals were heard by the Board.

The following appeal was **Approved:**

Calendar No. 07-5: 1600 Buhner Avenue

The Cleveland Municipal School District appealed to construct a two-story kindergarten through Eighth Grade public school building in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 07-7: Appeal of Flats Waterfront Assoc., et al.

Flats Waterfront Associates, East Riverfront Properties Limited Partnership, Prime Properties Limited Partnership, 1124 Old River Road Limited Partnership, Cuyahoga Lakefront LLC, K&S Parking Co., Inc., George-Khoury Family Limited Partnership, #1 Media, Old River Road Cleveland LLC, HDV-Cleveland LLC, MSGG-Cleveland LLC, Droe Express System, Inc. and 1146 Old River Road, Inc. appealed from the Cleveland City Planning Commission decision to approve the Flats East Bank Redevelopment Demolition Request.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 07-6: 7201 Wade Park Avenue postponed to March 19, 2007.

In Executive Session on February 5, 2007, the following appeals heard by the Board on January 29, 2007 were ratified by the Board.

The following appeals were **Approved:**

Calendar No. 06-264: 2266 West 41st Place
North Acres and Stanley Roediger appealed to erect a 20' x 41' three-story single family dwelling and attached garage in a Two-Family District.

Calendar No. 07-2: 17119 Lorain Avenue
Pat Campbell appealed to change use from a store to a restaurant in the first floor space of an existing building in a Local Retail Business District.

Calendar No. 07-4: 3812 West 150th Street
Raymond Torok, owner, and Chandra Venkataraman, prospective purchaser, appealed to change use from a machine shop to a daily dog care, a kennel, an existing one-story building in a Residence Office District; subject to conditions.

Calendar No. 06-210: 1440 East 41st Street
Anthony Hope appealed to change use from a factory to an auto repair shop an existing one-story building in a General Retail Business District.

Calendar No. 06-214: 2133 Murray Hill Road
Nella Gallito appealed to construct a 575' addition to an existing non-conforming beauty salon located in a Multi-Family District.

The following appeal was **Denied:**

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

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.

187.10 Negotiated contracts; Notice required in Advertisement 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 certification 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."

WEDNESDAY, FEBRUARY 21, 2007

Division of Printing Building Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 311-06, passed by the Council of the City of Cleveland, June 12, 2006.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 15, 2007 AT 10:00 A.M., DIVISION OF PRINTING, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 31, 2007 and February 7, 2007

THURSDAY, FEBRUARY 22, 2007

Rental and Laundry of Work Clothing, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 240-06, passed by the Council of the City of Cleveland, February 27, 2006 and as authorized by Ordinance No. 2008-06,

passed by the Council of the City of Cleveland, January 8, 2007, respectively.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, FEBRUARY 12, 2007 AT 10:30 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

International Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, FEBRUARY 12, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

January 31, 2007 and February 7, 2007

THURSDAY, FEBRUARY 22, 2007

Various Size Front End Loader Dumpster Containers, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1630-06, passed by the Council of the City of Cleveland, December 11, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 15, 2007 AT 11:00 A.M., CLEVELAND DIVISION OF WASTE COLLECTION ADMINISTRATIVE OFFICE, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

Steel Receptacle Lids with Flexible Steel Cable Attachment, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1630-06, passed by the Council of the City of Cleveland, December 11, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, FEBRUARY 16, 2007 AT 10:00 A.M., CLEVELAND DIVISION OF WASTE COLLECTION ADMINISTRATIVE OFFICE, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

February 7, 2007 and February 14, 2007

WEDNESDAY, FEBRUARY 28, 2007

Various Traffic Signal and Sign Equipment, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 449-06, passed by the Council of the City of Cleveland, April 10, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, FEBRUARY 20 2007 AT 9:30 A.M., DIVISION OF TRAFFIC ENGINEERING, ROOM #518, CLEVELAND, OHIO 44114.

Window Washing Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 20, 2007 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM #128, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

Parts for Various Mowers and Cutting Equipment and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, FEBRUARY 20, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

February 7, 2007 and February 14, 2007

THURSDAY, MARCH 1, 2007

Labor and Materials Needed to Maintain and Repair Overhead Doors, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2048-06, passed by the Council of the City of Cleveland, January 10, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 20, 2007 AT 1:30 P.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM #128, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

February 7, 2007 and February 14, 2007

FRIDAY, MARCH 2, 2007

South HVAC Upgrade at Cleveland Hopkins International Airport (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 395-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 15, 2007 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

February 7, 2007 and February 14, 2007

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 142-07.

By Council Member Brady.

An emergency resolution objecting to the transfer of Liquor License of a C1 and C2 Liquor Permit to 12702 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C1 and C2 Liquor Permit from George Khater, DBA Sally's Food Market, 3671-73 West 130th Street, 1st floor only, Cleveland, Ohio 44111, Permanent Number 46190500005 to Behjat, LLC, DBA D & BS Beverage & Deli, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 05759710010; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C1 and C2 Liquor Permit from George Khater, DBA Sally's Food Market, 3671-73 West 130th Street, 1st floor only, Cleveland, Ohio 44111, Permanent Number 46190500005 to Behjat, LLC, DBA D & BS Beverage & Deli, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 05759710010, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted January 29, 2007.
Effective February 2, 2007.

Res. No. 143-07.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 12702 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of ownership of a C1 and C2 Liquor Permit from Sarah's Convenience Market, Inc., DBA Sarah's Convenient Mart, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7740631 to Behjat, LLC, DBA D & BS Beverage & Deli, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 05759710005; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a transfer of ownership of a C1 and C2 Liquor Permit from Sarah's Convenience Market, Inc., DBA Sarah's Convenient Mart, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7740631 to Behjat, LLC, DBA D & BS Beverage & Deli, 12702 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 05759710005, and

requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 29, 2007.

Effective February 2, 2007.

Res. No. 144-07.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 13501-05 Lakewood Heights Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit from Sujud, Inc., DBA Stop N Save, 13501-05 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 8684430 to Kishen, Inc., DBA Stop N Save, 13501-05 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 4678478; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section

4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from Sujud, Inc., DBA Stop N Save, 13501-05 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 8684430 to Kishen, Inc., DBA Stop N Save, 13501-05 Lakewood Heights Boulevard, Cleveland, Ohio 44107, Permanent Number 4678478; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 29, 2007.

Effective February 2, 2007.

Res. No. 147-07.

By Council Member Reed.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3643 East 116th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Rana Quraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 to 3643 East 116th Street, Inc., DBA Nadia's Market, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 8871297; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented rea-

sonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Rana Quraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 to 3643 East 116th Street, Inc., DBA Nadia's Market, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 8871297; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 29, 2007.

Effective February 2, 2007.

Ord. No. 1757-06.

By Council Members Pierce Scott, Cimperman and Sweeney (by departmental request).

An emergency ordinance to amend Section 4a of Ordinance No. 1776-A-90, passed April 22, 1991, as amended, as amended by various ordinances, relating to establishing a neighborhood Community Reinvestment Area.

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 4a of Ordinance No. 1776-A-90, passed April 22, 1991, as amended by Ordinance No. 960-99, passed June 7, 1999, Ordinance No. 2093-99, passed December 13, 1999, Ordinance No. 1341-01, passed August 15, 2001, Ordinance

No. 849-02, passed June 10, 2002, and Ordinance No. 550-03, passed May 12, 2003, is amended to read as follows:

Section 4a. That the Community Reinvestment Area described in this Ordinance shall expire on June 15, 2007, unless an extension is authorized by an amendment of Cleveland City Council; provided, however that if for any reason the designation of the area is revoked by the City or the terms of the abatement provided under this ordinance are modified or allowed to expire, the entitlements granted under this ordinance for any residential project defined as a phased, single family project or multi-unit rental or for-sale development project, with a letter of commitment for its project financing, for which a development agreement has been entered into with the City by the Director of Community Development, prior to February 16, 2007, shall continue at the current percentage of exemption and term of years.

Further, that the Director of Community Development is hereby authorized to enter into such development agreements from the date of passage of this ordinance until February 16, 2007, and that the Director of Community Development shall receive the consent of the City Council representative of the Ward that a development project is located in prior to executing a development agreement for that project.

Real property transferred by the City of Cleveland, Land Reutilization Program ("Land Bank"), in calendar year 2006 for single-family residential development shall qualify for residential tax abatement at current approved levels (100% for 15 years) if construction is commenced and completed within the time frames stipulated within the City's Official Deed.

Section 2. That existing Section 4a of Ordinance No. 1776-A-90, passed April 22, 1991, as amended by Ordinance No. 960-99, passed June 7, 1999, Ordinance No. 2093-99, passed December 13, 1999, Ordinance No. 1341-01, passed August 15, 2001, Ordinance No. 849-02, passed June 10, 2002, and Ordinance No. 550-03, passed May 12, 2003, 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 January 29, 2007.
Effective February 2, 2007.

Ord. No. 1844-06.

By Council Members Zone, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of maintaining detention basins, detention facilities and structures and authorizing the Director of Public Utilities to enter into one or more public improvement requirement contracts for the making of the improvement.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of maintaining detention basins, detention facilities and structures, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, 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. (RL 155185)

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That 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 January 29, 2007.
Effective February 2, 2007.

Ord. No. 2070-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$17,935,000 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 Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has 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 (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), 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 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 Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, underground vaults, sidewalks and pedestrian walkways, by acquiring, construct-

ing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. 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 dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified 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 the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds 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 six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments,

beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve 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 percent 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) 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 (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied

with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent 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 forty-five (45) days

prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable 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 purchase 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 par-

tial 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 thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each 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 municipal bond insurance company that has issued a policy insuring some or all of the Bonds. 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.

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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) at the close of business on the date provided in the Agreement authorized in Section 3 (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), 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor

or of its Director of Finance 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 his approval of the form and correctness thereof by his 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 shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds 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 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 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 regis-

tered 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 and directed 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 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 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which princi-

pal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) 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 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 and correctness 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 on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), 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 2007" 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 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the 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. 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 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 sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, 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 nonpresentation 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 Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000) (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").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) 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 (5) 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 (2) 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 semi-annually 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 (12th) 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 Section 133.30(B), 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.

Section 11. 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his manual or facsimile signature.

Section 12. 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 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.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. 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 15. 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 Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such dis-

closure 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 and directed 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 and directed 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 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which 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 of this Ordinance.

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

Section 18. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be 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.

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

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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the 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 pay-

ing, 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 19. Bond Insurance 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 a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the 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 policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance 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 to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. 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 any other party interested in the transaction.

Section 21. 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 any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 22. 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 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 23. Delivery to County Auditor. The Director of Finance is directed 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 Auditor of Cuyahoga County and to secure a receipt therefor.

Section 24. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 25. 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 26. 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 January 29, 2007.

Effective February 2, 2007.

Ord. No. 2071-06.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$16,350,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the Public Safety, Health and Welfare and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has 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 (5) years and the maximum maturity of the Bonds is seventeen (17) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), 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 con-

tained 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 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 Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000) for the purpose of providing funds constructing, reconstructing, rehabilitating, 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 the City Hall, police stations, fire stations, service stations, centers and facilities, waste collection, West Side Market facilities, transfer and disposal facilities, correctional facilities, and health and other facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. 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 dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified 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 the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds 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 six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in seventeen (17) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than seventeen (17) years from that date which is twelve 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 percent 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) 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 (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent 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 forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable 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 Reg-

istrar 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 purchase 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 thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each 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 municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the pro-

ceedings for the redemption of any Bond.

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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) at the close of business on the date provided in the Agreement authorized in Section 3 (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), 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his 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 shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds 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 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 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 lia-

bility 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 unmaturing 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 and directed 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 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 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus 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 (if different from those set forth in Section 2) 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 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 and correctness 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 on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), 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 2007" 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 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the 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. 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 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 sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, 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 nonpresentation 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 Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000) (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").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) 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 (5) 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 (2) 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 semi-annually 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 (12th) 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 Reg-

istrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

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

Pursuant to Section 133.30(B), 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.

Section 11. 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his manual or facsimile signature.

Section 12. 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 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.

Section 13. Security for the Notes.

The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. 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 15. 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 Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are 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 and directed 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 and directed 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 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which 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 of this Ordinance.

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

Section 18. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be 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.

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

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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the 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 19. Bond Insurance 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 a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the 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 policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance 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 to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. 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 any other party interested in the transaction.

Section 21. 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 any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 22. 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 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 23. Delivery to County Auditor. The Director of Finance is directed 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 Auditor of Cuyahoga County and to secure a receipt therefor.

Section 24. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to

which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 25. 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 26. 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 January 29, 2007.

Effective February 2, 2007.

Ord. No. 2072-06.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$6,075,000 for the purpose of providing funds to revitalize lands and authorizing related matters.

Whereas, Article VIII, Section 20 of the Constitution of the State of Ohio, enacted November 7, 2000, provides that revitalization purposes and provisions for them are proper public purposes of municipalities and are necessary and appropriate means to improve the quality of life and the general and economic well being of the people of the State; and

Whereas, revitalization purposes are defined in Article VIII, Section 20 as meaning providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise,

that or other property conditions or circumstances that may be deleterious to the public health and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property; and

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Six Million Seventy-Five Thousand Dollars (\$6,075,000) (the "Bonds") to provide funds for the revitalization purposes in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has 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 (5) years and the maximum maturity of the Bonds is twenty-five (25) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), 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 described in Section 1 for revitalization projects 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 Six Million Seventy-Five Thousand Dollars (\$6,075,000) for the purpose of providing funds for the demolition of structures on publicly and privately owned lands in the City and the clearance, remediation and clean up of those lands to enable the environmentally safe and productive development and use or reuse of those lands, including planning and assessment, land acquisition or assembly, and infrastructure, and to pay all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs that may be financed with the proceeds of securities as 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, Sections

133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Revitalization Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. 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 dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified 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 the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds 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 six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty-five (25) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty-five (25) years from that date which is twelve 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 percent 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) 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 (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent 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 forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable 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 purchase 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 thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each 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 municipal bond insurance company that has issued a policy insuring some or all of the Bonds. 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.

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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) at the close of business on the date provided in the Agreement authorized in Section 3 (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),

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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his 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 shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds 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 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 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 unmaturing 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 and directed 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 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 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus 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 (if different from those set forth in Section 2) 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 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 and correctness 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 on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), 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 2007" 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 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; pro-

vided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the 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. 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 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 sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, 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 nonpresentation 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 Six Million Seventy-Five Thousand Dollars (\$6,075,000) (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").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) 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 (5) 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 (2) years following the date of issuance of the Notes; shall be designated "Revitalization 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 semi-annually 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 (12th) 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 Section 133.30(B), 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.

Section 11. 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his manual or facsimile signature.

Section 12. 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 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.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. 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 Obliga-

tions 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 15. 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 Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are 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 and directed 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 and directed 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 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which 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 of this Ordinance.

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

Section 18. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be 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.

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

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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the 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 19. Bond Insurance 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 a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion

of the Bonds, request a rating on the 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 policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance 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 to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. 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 any other party interested in the transaction.

Section 21. 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 any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 22. 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 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 23. Delivery to County Auditor. The Director of Finance is directed 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 Auditor of Cuyahoga County and to secure a receipt therefor.

Section 24. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 25. 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 26. 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 revitalization projects 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 January 29, 2007.
Effective February 2, 2007.

Ord. No. 2073-06.
By Council Member Sweeney (by
departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$2,825,000 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 Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has 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 (5) years and the maximum maturity of the Bonds is nineteen (19) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), 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 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 Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement 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 and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. 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 dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified 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 the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds 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 six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in nineteen (19) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than nineteen (19) years from that date which is twelve 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 percent 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) 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 (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of

the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent 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 forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable 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 purchase 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 thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each 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 municipal bond insurance company that has issued a policy insuring some or all of the Bonds. 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.

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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 with-

out 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) at the close of business on the date provided in the Agreement authorized in Section 3 (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), 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his 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 shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds 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 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 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 and directed 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 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 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus 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 (if different from those set forth in Section 2) 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 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 and correctness 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 on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), 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 2007" 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 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the 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. 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 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 sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, 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 nonpresentation 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 Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000) (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").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding six percent (6%) 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 (5) 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 (2) 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 semi-annually 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 (12th) 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 Direc-

tor of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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

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

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

shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), 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.

Section 11. 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his manual or facsimile signature.

Section 12. 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 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.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. 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 15. 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 Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are 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 and directed 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 and directed 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 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which 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 of this Ordinance.

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

Section 18. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be 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.

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

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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the 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 rea-

sonable 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 19. Bond Insurance 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 a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the 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 policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance 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 to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. 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 any other party interested in the transaction.

Section 21. 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 any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 22. 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 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 23. Delivery to County Auditor. The Director of Finance is directed 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 Auditor of Cuyahoga County and to secure a receipt therefor.

Section 24. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 25. 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 26. 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 January 29, 2007.
Effective February 2, 2007.

Ord. No. 2074-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$2,050,000 for the purpose of providing funds to pay final judgments, including court-approved settlements, and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Fifty Thousand Dollars (\$2,050,000) (the "Bonds") to provide funds to pay final judgments, including court-approved settlements of claims; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the City is unable, within the limits of its other funds that have been appropriated and are available for the purpose, to pay the final judgments for which the Bonds are to be issued, that the maximum maturity of the Bonds is December 31, 2031; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), 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 final judgments, including court-approved settlements, 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 Two Million Fifty Thousand Dollars (\$2,050,000) for the purpose of providing funds to pay final judgments, including settlements of claims approved by a court, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Final Judgment Bonds" and may contain such further designation as provided in the Certificate of Award identified below. 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 dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified 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 the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds 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 six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty-five (25) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty-five (25) years from that date which is twelve 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 percent 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) 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 (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit

against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent 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 forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable 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 pur-

chased 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 purchase 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 thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each 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 municipal bond insurance company that has issued a policy insuring some or all of the Bonds. 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.

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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) at the close of business on the date provided in the Agreement authorized in Section 3 (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), 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his 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 shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and

the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds 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 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 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 suf-

ficient 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 and directed 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 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 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus 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 (if different from those set forth in Section 2) 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 estab-

lish 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 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 and correctness 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 on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to 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.

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 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; pro-

vided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the 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. 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 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 sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, 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 nonpresentation 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 Two Million Fifty Thousand Dollars (\$2,050,000) (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").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) 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 (5) 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 (2) years following the date of issuance of the Notes; shall be designated "Final Judgment 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 semi-annually 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 (12th) 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 lawful 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.

Section 11. 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director

of Finance 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 his approval of the form and correctness thereof by his manual or facsimile signature.

Section 12. 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 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.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. 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 15. 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 Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are 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 and directed 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 and directed 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 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which 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 of this Ordinance.

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

Section 18. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be 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.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes

and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the 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 19. Bond Insurance 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 a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the 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 policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or includ-

ed in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance 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 to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. 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 any other party interested in the transaction.

Section 21. 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 any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 22. 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 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 23. Delivery to County Auditor. The Director of Finance is directed 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 Auditor of Cuyahoga County and to secure a receipt therefor.

Section 24. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 25. 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 26. 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 final judgments, including court-approved settlements, which are urgently needed for the benefit of the City 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 January 29, 2007.

Effective February 2, 2007.

Ord. No. 2075-06.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$515,000 for the purpose of providing funds for improving municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Five Hundred Fifteen Thousand Dollars (\$515,000) (the "Bonds") to finance the costs of certain permanent

improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has 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 (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), 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 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 Five Hundred Fifteen Thousand Dollars (\$515,000) for the purpose of providing funds for improving municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, installing access roadways including any necessary bridges and culverts, installing utility lines, laying out and numbering burial plots, and planting and landscaping, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections

133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Cemeteries Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. 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 dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified 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 the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds 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 six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve 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 percent 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) 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 (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent 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 forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable 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 purchase 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 thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each 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 municipal bond insurance company that has issued a policy insuring some or all of the Bonds. 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.

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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) at the close of business on the date provided in the Agreement authorized in Section 3 (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),

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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his 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 shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds 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 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 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 sur-

rendered 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 and directed 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 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 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus 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 (if different from those set forth in Section 2) 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 transac-

tions 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 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 and correctness 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 on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), 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 2007" 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 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of princi-

pal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the 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. 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 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 sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, 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 nonpre-emption 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 Five Hundred Fifteen Thousand Dollars (\$515,000) (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").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) 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 (5) 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 (2) years following the date of issuance of the Notes; shall be designated "Cemeteries Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually 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 (12th) 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 Section 133.30(B), 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.

Section 11. 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. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance 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 his approval of the form and correctness thereof by his manual or facsimile signature.

Section 12. 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 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.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. 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 15. 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 Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are 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 and directed 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 and directed 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 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which 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 of this Ordinance.

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

Section 18. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be 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.

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

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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the 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 19. Bond Insurance 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 a commitment for municipal bond

insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the 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 policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance 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 to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. 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 any other party interested in the transaction.

Section 21. 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 any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 22. 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 represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Sec-

tion 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 23. Delivery to County Auditor. The Director of Finance is directed 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 Auditor of Cuyahoga County and to secure a receipt therefor.

Section 24. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 25. 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 26. 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 January 29, 2007.

Effective February 2, 2007.

Ord. No. 7-07.
By Council Members Dolan, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Rego's Fresh Market, Inc. to provide economic development assistance to partially finance the purchase of the Tops Market located in Kamm's Plaza Shopping Center at 17400 Lorain Avenue.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Rego's Fresh Market, Inc. to provide economic development assistance to partially finance the purchase of the Tops Market located in Kamm's Plaza Shopping Center at 17400 Lorain Avenue.

Section 2. That the costs of the grant shall not exceed an amount of \$42,364.00 and shall be paid from Fund No. 17 SF 652, Request No. 103731.

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

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

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed January 29, 2007.
 Effective February 2, 2007.

Ord. No. 141-07.
By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to charge and collect fees for the retrieval, transport and copying of archived documents stored by the City at off-site facilities.

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

Be it ordained by the Council of the City of Cleveland:

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Clerk of Council is authorized to charge and collect fees for the retrieval, transport and copying of archived documents stored by the City at off-site facilities. Said charges shall be only those charged by the off-site facility to the City for administration of the service. All fees collected in accordance with this ordinance shall be deposited into a

special revenue fund and such funds shall be used only for costs associated with maintenance, retrieval and transport of archived documents stored at off-site facilities.

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 January 29, 2007.
 Effective February 2, 2007.

Ord. No. 148-07.
By Council Member Reed.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc., for the Family Unity Day in the Park Expo through the use of Ward 3 Neighborhood Equity 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 Community Development is authorized to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc., for the Family Unity Day in the Park Expo for the public purpose of providing an educational and job training expo for city of Cleveland residents on the various services and programs that are offered by the many different non-profit organizations and city departments through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$60,000 and shall be paid from Fund No. 10 SF 166.

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 January 29, 2007.
 Effective February 2, 2007.

Ord. No. 149-07.
By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to provide payment of a portion of the cost of research and completion of a Property Tax Abatement Study conducted by the Maxine Goodman Levin College of Urban Affairs for the City of Cleveland.

Whereas, the Maxine Goodman Levin College of Urban Affairs at Cleveland State University has been asked to research and complete a Property Tax Abatement Study for the City of Cleveland; and

Whereas, the City, as well as certain businesses and/or foundations

in Cleveland, have agreed to fund portions of the cost of the research and completion of the study; and

Whereas, the study and its outcome will impact the economic vitality of the City and is an important matter facing the City and the Council; and

Whereas, Cleveland City Council has agreed to provide a portion of the funds for the research and completion of the study; 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 Clerk of Council is authorized to provide payment of a portion of the cost of research and completion of a Property Tax Abatement Study conducted by the Maxine Goodman Levin College of Urban Affairs for the City of Cleveland.

Section 2. That the amount to be provided as authorized in Section 1 shall not exceed \$10,000 and shall be paid for from Fund No. 01-01001-010100-632000.

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

Passed January 29, 2007.
 Effective February 2, 2007.

COUNCIL COMMITTEE MEETINGS

Monday, February 5, 2007
9:30 a.m.

Health and Human Services Committee and Public Safety Committee: Present Health: Britt, Chair; Cleveland, Vice Chair; Kelley, Santiago, Conwell, Westbrook, Reed.

Present Safety: Conwell, Chair; Brady, Vice Chair; Britt, Polensek, Coats, Kelley, Cummins, Turner, Santiago.

11:00 a.m.

Public Service Committee: Present: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, Cummins, White, Reed, Santiago. *Authorized Absence:* Johnson. *Pro-tem:* Kelley.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Brancatelli, Coats, White.

Tuesday, February 6, 2007
BLOCK GRANT HEARING
9:30 a.m.

Community and Economic Development Committee: Present: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Westbrook, Zone, Lewis, Brady, Coats.

Wednesday, February 7, 2007
BLOCK GRANT HEARING
9:30 a.m.

Community and Economic Development Committee: Present: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Westbrook, Zone, Lewis, Brady, Coats.

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